

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE SUBSTITUTE FOR

# SENATE BILL NO. 291

95TH GENERAL ASSEMBLY  
2009

1475L.07T

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## AN ACT

To repeal sections 115.121, 160.011, 160.041, 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.431, 162.492, 163.011, 163.031, 163.043, 167.031, 167.126, 167.275, 168.021, 168.133, 168.221, 168.251, 171.031, 171.033, 177.088, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof fifty-five new sections relating to education, with an effective date for a certain section and an emergency clause for certain sections.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 115.121, 160.011, 160.041, 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.431, 162.492, 163.011, 163.031, 163.043, 167.031, 167.126, 167.275, 168.021, 168.133, 168.221, 168.251, 171.031, 171.033, 177.088, 313.775, 313.778, and 313.822, RSMo, are repealed and fifty-five new sections enacted in lieu thereof, to be known as sections 115.121, 160.011, 160.041, 160.254, 160.263, 160.375, 160.400, 160.405, 160.410, 160.534, 160.539, 160.800, 160.805, 160.810, 160.815, 160.820, 160.950, 161.072, 161.122, 161.380, 161.800, 161.850, 162.083, 162.204, 162.215, 162.431, 162.492, 162.1168, 162.1250, 163.011, 163.031, 163.043, 163.095, 167.018, 167.019, 167.031, 167.126, 167.275, 167.720, 168.021, 168.133, 168.221, 168.251, 168.745, 168.747, 168.749, 168.750, 170.400, 171.029, 171.031, 171.033, 177.088, 210.1050, 313.822, and 1, to read as follows:

115.121. 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

3           2. The primary election day shall be the first Tuesday after the first  
4 Monday in August of even-numbered years.

5           3. The election day for the election of political subdivision and special  
6 district officers shall be the first Tuesday after the first Monday in April each  
7 year; and shall be known as the "general municipal election day".

8           4. In addition to the primary election day provided for in subsection 2 of  
9 this section, for the year 2003, the first Tuesday after the first Monday in August,  
10 2003, also shall be a primary election day for the purpose of permitting school  
11 districts and other political subdivisions of Missouri to incur debt in accordance  
12 with the provisions of article VI, section 26(a) through 26(g) of the Missouri  
13 Constitution, with the approval of four-sevenths of the eligible voters of such  
14 school district or other political subdivision voting thereon, to provide funds for  
15 the acquisition, construction, equipping, improving, restoration, and furnishing  
16 of facilities to replace, repair, reconstruct, reequip, restore, and refurnish  
17 facilities damaged, destroyed, or lost due to severe weather, including, without  
18 limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the  
19 like which occurred during the month of April or May, 2003.

20           5. Notwithstanding the provisions of subsection 1 of section 115.125, the  
21 officer or agency calling an election on the first Tuesday after the first Monday  
22 of August, 2003, shall notify the election authorities responsible for conducting  
23 the election not later than 5:00 p.m. on the sixth Tuesday prior to the  
24 election. For purposes of any such election, all references in section 115.125 to  
25 the tenth Tuesday prior to such election shall be deemed to refer to the sixth  
26 Tuesday prior to such election.

27           **6. In addition to the general election day provided for in**  
28 **subsection 1 of this section, for the year 2009 the first Tuesday after the**  
29 **first Monday in November shall be a general election day for the**  
30 **purpose of permitting school districts to incur debt in accordance with**  
31 **the provisions of article VI, section 26(a) through 26(g) of the Missouri**  
32 **Constitution, with the approval of four-sevenths of the eligible voters**  
33 **of such school district, to provide funds for school districts to acquire,**  
34 **construct, equip, improve, restore, and furnish public school facilities**  
35 **in accordance with the provisions of Section 54F of the Internal**  
36 **Revenue Code of 1986, as amended, which provides for qualified school**  
37 **construction bonds and the provisions of Section 54AA of the Internal**  
38 **Revenue Code of 1986, as amended, which provides for build America**

39 **bonds, as well as in accordance with the provisions of Section 103 of**  
40 **the Internal Revenue Code of 1986, as amended, which provides for**  
41 **traditional government bonds.**

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170,  
2 171, 177 and 178, RSMo, the following terms mean:

3 (1) "District" or "school district", when used alone, may include  
4 seven-director, urban, and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or  
6 grades not higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of  
8 hours, and of sufficient duration, to make sustainable changes in families that  
9 include:

10 (a) Interactive literacy activities between parents and their children;

11 (b) Training of parents regarding how to be the primary teacher of their  
12 children and full partners in the education of their children;

13 (c) Parent literacy training that leads to high school completion and  
14 economic self sufficiency; and

15 (d) An age-appropriate education to prepare children of all ages for  
16 success in school;

17 (4) "Graduation rate", the quotient of the number of graduates in the  
18 current year as of June thirtieth divided by the sum of the number of graduates  
19 in the current year as of June thirtieth plus the number of twelfth graders who  
20 dropped out in the current year plus the number of eleventh graders who dropped  
21 out in the preceding year plus the number of tenth graders who dropped out in  
22 the second preceding year plus the number of ninth graders who dropped out in  
23 the third preceding year;

24 (5) "High school", a public school giving instruction in a grade or grades  
25 not lower than the ninth nor higher than the twelfth grade;

26 (6) "Metropolitan school district", any school district the boundaries of  
27 which are coterminous with the limits of any city which is not within a county;

28 (7) "Public school" includes all elementary and high schools operated at  
29 public expense;

30 (8) "School board", the board of education having general control of the  
31 property and affairs of any school district;

32 (9) "School term", a minimum of one hundred seventy-four school days, as  
33 that term is defined in section 160.041, **for schools with a five-day school**

34 **week or a minimum of one hundred forty-two school days, as that term**  
35 **is defined in section 160.041, for schools with a four-day school week,**  
36 and one thousand forty-four hours of actual pupil attendance as scheduled by the  
37 board pursuant to section 171.031, RSMo, during a twelve-month period in which  
38 the academic instruction of pupils is actually and regularly carried on for a group  
39 of students in the public schools of any school district. A "school term" may be  
40 within a school year or may consist of parts of two consecutive school years, but  
41 does not include summer school. A district may choose to operate two or more  
42 terms for different groups of children. **A school term for students**  
43 **participating in a school flex program as established in section 160.539**  
44 **may consist of a combination of actual pupil attendance and attendance**  
45 **at college or technical career education or approved employment**  
46 **aligned with the student's career academic plan for a total of one**  
47 **thousand forty-four hours;**

48 (10) "Secretary", the secretary of the board of a school district;

49 (11) "Seven-director district", any school district which has seven directors  
50 and includes urban districts regardless of the number of directors an urban  
51 district may have unless otherwise provided by law;

52 (12) "Taxpayer", any individual who has paid taxes to the state or any  
53 subdivision thereof within the immediately preceding twelve-month period or the  
54 spouse of such individual;

55 (13) "Town", any town or village, whether or not incorporated, the plat of  
56 which has been filed in the office of the recorder of deeds of the county in which  
57 it is situated;

58 (14) "Urban school district", any district which includes more than half  
59 of the population or land area of any city which has not less than seventy  
60 thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours **for**  
2 **schools with a five-day school week or four hours for schools with a**  
3 **four-day school week** in which the pupils are under the guidance and direction  
4 of teachers in the teaching process. A "school month" consists of four weeks of  
5 five days each **for schools with a five-day school week or four weeks of**  
6 **four days each for schools with a four-day school week.** The "school year"  
7 commences on the first day of July and ends on the thirtieth day of June  
8 following.

9 2. Notwithstanding the provisions of subsection 1 of this section, the

10 commissioner of education is authorized to reduce the required number of hours  
11 and days in which the pupils are under the guidance and direction of teachers in  
12 the teaching process if:

13 (1) There is damage to or destruction of a public school facility which  
14 requires the dual utilization of another school facility; or

15 (2) Flooding or other inclement weather as defined in subsection 1 of  
16 section 171.033, RSMo, prevents students from attending the public school  
17 facility.

18 Such reduction shall not extend beyond two calendar years in duration.

160.254. 1. There is hereby established a joint committee of the general  
2 assembly, which shall be known as the "Joint Committee on Education", which  
3 shall be composed of seven members of the senate and seven members of the  
4 house of representatives. The senate members of the committee shall be  
5 appointed by the president pro tem of the senate and the house members by the  
6 speaker of the house.

7 2. The committee shall meet at least twice a year. In the event of three  
8 consecutive absences on the part of any member, such member may be removed  
9 from the committee.

10 3. The committee shall select either a chairman or cochairmen, one of  
11 whom shall be a member of the senate and one a member of the house. A  
12 majority of the members shall constitute a quorum. Meetings of the committee  
13 may be called at such time and place as the chairman or chairmen designate.

14 4. The committee shall:

15 (1) Review and monitor the progress of education in the state's public  
16 schools and institutions of higher education;

17 (2) Receive reports from the commissioner of education concerning the  
18 public schools and from the commissioner of higher education concerning  
19 institutions of higher education;

20 (3) Conduct a study and analysis of the public school system;

21 (4) Make recommendations to the general assembly for legislative action;

22 (5) Conduct an in-depth study concerning all issues relating to the equity  
23 and adequacy of the distribution of state school aid, teachers' salaries, funding  
24 for school buildings, and overall funding levels for schools and any other  
25 education funding-related issues the committee deems relevant;

26 (6) Monitor the establishment of performance measures as required by  
27 section 173.1006, RSMo, and report on their establishment to the governor and

28 the general assembly;

29 (7) Conduct studies and analysis regarding:

30 (a) The higher education system, including financing public higher  
31 education and the provision of financial aid for higher education; and

32 (b) The feasibility of including students enrolled in proprietary schools,  
33 as that term is defined in section 173.600, RSMo, in all state-based financial aid  
34 programs;

35 (8) Annually review the collection of information under section 173.093,  
36 RSMo, to facilitate a more accurate comparison of the actual costs at public and  
37 private higher education institutions;

38 (9) Within three years of August 28, 2007, review a new model for the  
39 funding of public higher education institutions upon submission of such model by  
40 the coordinating board for higher education;

41 (10) Within three years of August 28, 2007, review the impact of the  
42 higher education student funding act established in sections 173.1000 to  
43 173.1006;

44 (11) Beginning August 28, 2008, upon review, approve or deny any  
45 expenditures made by the commissioner of education pursuant to section 160.530,  
46 as provided in subsection 5 of section 160.530.

47 **5. During the legislative interim between the first regular session**  
48 **of the ninety-fifth general assembly through January 29, 2010, of the**  
49 **second regular session of the ninety-fifth general assembly, the joint**  
50 **committee on education shall study the issue of open enrollment for**  
51 **public school students across school district boundary lines in this**  
52 **state. In studying this issue, the joint committee may solicit input and**  
53 **information necessary to fulfill its obligation, including but not limited**  
54 **to soliciting input and information from any state department, state**  
55 **agency, school district, political subdivisions of this state, teachers, and**  
56 **the general public. The joint committee shall prepare a final report,**  
57 **together with its recommendations for any legislative action deemed**  
58 **necessary for submission to the general assembly by December 31, 2009.**

59 **6.** The committee may make reasonable requests for staff assistance from  
60 the research and appropriations staffs of the house and senate and the committee  
61 on legislative research, as well as the department of elementary and secondary  
62 education, the department of higher education, the coordinating board for higher  
63 education, the state tax commission, the department of economic development, all

64 school districts and other political subdivisions of this state, teachers and teacher  
65 groups, business and other commercial interests and any other interested  
66 persons.

67 [6.] 7. Members of the committee shall receive no compensation but may  
68 be reimbursed for reasonable and necessary expenses associated with the  
69 performance of their official duties.

160.263. 1. The school discipline policy under section 160.261  
2 shall prohibit confining a student in an unattended, locked space  
3 except for an emergency situation while awaiting the arrival of law  
4 enforcement personnel.

5 2. By July 1, 2011, the local board of education of each school  
6 district shall adopt a written policy that comprehensively addresses the  
7 use of restrictive behavioral interventions as a form of discipline or  
8 behavior management technique. The policy shall be consistent with  
9 professionally accepted practices and standards of student discipline,  
10 behavior management, health and safety, including the Safe Schools  
11 Act. The policy shall include but not be limited to:

12 (1) Definitions of "restraint", "seclusion", and "time-out" and any  
13 other terminology necessary to describe the continuum of restrictive  
14 behavioral interventions available for use or prohibited in the district;

15 (2) Description of circumstances under which a restrictive  
16 behavioral intervention is allowed and prohibited and any unique  
17 application requirements for specific groups of students such as  
18 differences based on age, disability, or environment in which the  
19 educational services are provided;

20 (3) Specific implementation requirements associated with a  
21 restrictive behavioral intervention such as time limits, facility  
22 specifications, training requirements or supervision requirements; and

23 (4) Documentation, notice and permission requirements  
24 associated with use of a restrictive behavioral intervention.

25 3. The department of elementary and secondary education shall,  
26 in cooperation with appropriate associations, organizations, agencies  
27 and individuals with specialized expertise in behavior management,  
28 develop a model policy that satisfies the requirements of subsection 2  
29 of this section by July 1, 2010.

160.375. 1. There is hereby established the "Missouri Senior  
2 Cadets Program", which shall be administered by the department of

3 elementary and secondary education. The program shall encourage  
4 high school seniors to mentor kindergarten through eighth grade  
5 students in their respective school districts for a minimum of ten hours  
6 per week during the school year.

7 2. In order to be a mentor in the program, a student must:

8 (1) Be a Missouri resident who attends a Missouri high school;

9 (2) Possess a cumulative grade point average of at least three on  
10 a four-point scale or equivalent; and

11 (3) Plan to attend college.

12 3. The department of elementary and secondary education shall  
13 promulgate rules to implement this section, which shall include, but  
14 may not be limited to, guidelines for school districts and mentors in the  
15 program. Any rule or portion of a rule, as that term is defined in  
16 section 536.010, RSMo, that is created under the authority delegated in  
17 this section shall become effective only if it complies with and is  
18 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
19 section 536.028, RSMo. This section and chapter 536, RSMo, are  
20 nonseverable and if any of the powers vested with the general assembly  
21 pursuant to chapter 536, RSMo, to review, to delay the effective date,  
22 or to disapprove and annul a rule are subsequently held  
23 unconstitutional, then the grant of rulemaking authority and any rule  
24 proposed or adopted after August 28, 2009, shall be invalid and void.

25 4. The mentor shall work with the school principal, classroom  
26 teachers, and other applicable school personnel in planning and  
27 implementing the mentoring plan. Such mentoring may occur before,  
28 during, or after school.

29 5. If a mentor in the program successfully provides mentoring  
30 services for an average of at least ten hours per week during a school  
31 year, the following shall apply, subject to appropriations:

32 (1) The mentor shall receive one hour of elective class credit,  
33 which may satisfy graduation requirements; and

34 (2) Should the mentor attend college with the stated intention of  
35 becoming a teacher, the mentor shall be reimbursed, subject to  
36 appropriation, by the department of elementary and secondary  
37 education for the costs of three credit hours per semester for a total of  
38 no more than eight semesters.

39 6. There is hereby established in the state treasury a fund to be



40 known as the "Missouri Senior Cadets Fund", which shall consist of all  
41 moneys that may be appropriated to it by the general assembly, and in  
42 addition may include any gifts, contributions, grants, or bequests  
43 received from federal, state, private, or other sources. The fund shall  
44 be administered by the department of elementary and secondary  
45 education. The state treasurer shall be custodian of the fund and may  
46 approve disbursements from the fund in accordance with sections  
47 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall  
48 be used solely for the administration of the Missouri senior cadets  
49 program. Notwithstanding the provisions of section 33.080, RSMo, to  
50 the contrary, any moneys remaining in the fund at the end of the  
51 biennium shall not revert to the credit of the general revenue  
52 fund. The state treasurer shall invest moneys in the fund in the same  
53 manner as other funds are invested. Any interest and moneys earned  
54 on such investments shall be credited to the fund.

55 7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

56 (1) Any new program authorized under this section shall  
57 automatically sunset six years after the effective date of this section  
58 unless reauthorized by an act of the general assembly; and

59 (2) If such program is reauthorized, the program authorized  
60 under this section shall automatically sunset twelve years after the  
61 effective date of the reauthorization of this section; and

62 (3) This section shall terminate on September first of the  
63 calendar year immediately following the calendar year in which a  
64 program authorized under this section is sunset.

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only in a metropolitan school district  
3 or in an urban school district containing most or all of a city with a population  
4 greater than three hundred fifty thousand inhabitants and may be sponsored by  
5 any of the following:

6 (1) The school board of the district;

7 (2) A public four-year college or university with its primary campus in the  
8 school district or in a county adjacent to the county in which the district is  
9 located, with an approved teacher education program that meets regional or  
10 national standards of accreditation;

11 (3) A community college located in the district; or

12 (4) Any private four-year college or university located in a city not within

13 a county with an enrollment of at least one thousand students, and with an  
14 approved teacher preparation program.

15 3. The mayor of a city not within a county may request a sponsor under  
16 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a  
17 workplace charter school, which is defined for purposes of sections 160.400 to  
18 160.420 as a charter school with the ability to target prospective students whose  
19 parent or parents are employed in a business district, as defined in the charter,  
20 which is located in the city.

21 4. No sponsor shall receive from an applicant for a charter school any fee  
22 of any type for the consideration of a charter, nor may a sponsor condition its  
23 consideration of a charter on the promise of future payment of any kind.

24 5. The charter school shall be a Missouri nonprofit corporation  
25 incorporated pursuant to chapter 355, RSMo. The charter provided for herein  
26 shall constitute a contract between the sponsor and the charter school.

27 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo,  
28 the charter school shall select the method for election of officers pursuant to  
29 section 355.326, RSMo, based on the class of corporation selected. Meetings of  
30 the governing board of the charter school shall be subject to the provisions of  
31 sections 610.010 to 610.030, RSMo, the open meetings law.

32 7. A sponsor of a charter school, its agents and employees are not liable  
33 for any acts or omissions of a charter school that it sponsors, including acts or  
34 omissions relating to the charter submitted by the charter school, the operation  
35 of the charter school and the performance of the charter school.

36 8. A charter school may affiliate with a four-year college or university,  
37 including a private college or university, or a community college as otherwise  
38 specified in subsection 2 of this section when its charter is granted by a sponsor  
39 other than such college, university or community college. Affiliation status  
40 recognizes a relationship between the charter school and the college or university  
41 for purposes of teacher training and staff development, curriculum and  
42 assessment development, use of physical facilities owned by or rented on behalf  
43 of the college or university, and other similar purposes. The primary campus of  
44 the college or university must be located within the county in which the school  
45 district lies wherein the charter school is located or in a county adjacent to the  
46 county in which the district is located. A university, college or community college  
47 may not charge or accept a fee for affiliation status.

48 9. The expenses associated with sponsorship of charter schools shall be

49 defrayed by the department of elementary and secondary education retaining one  
50 and five-tenths percent of the amount of state and local funding allocated to the  
51 charter school under section 160.415, not to exceed one hundred twenty-five  
52 thousand dollars, adjusted for inflation. Such amount shall not be withheld when  
53 the sponsor is a school district or the state board of education. The department  
54 of elementary and secondary education shall remit the retained funds for each  
55 charter school to the school's sponsor, provided the sponsor remains in good  
56 standing by fulfilling its sponsorship obligations under sections 160.400 to  
57 160.420 and 167.349, RSMo, with regard to each charter school it sponsors,  
58 **including appropriate demonstration of the following:**

59 **(1) Expends no less than ninety percent of its charter school**  
60 **sponsorship funds in support of its charter school sponsorship**  
61 **program, or as a direct investment in the sponsored schools;**

62 **(2) Maintains a comprehensive application process that follows**  
63 **fair procedures and rigorous criteria and grants charters only to those**  
64 **developers who demonstrate strong capacity for establishing and**  
65 **operating a quality charter school;**

66 **(3) Negotiates contracts with charter schools that clearly**  
67 **articulate the rights and responsibilities of each party regarding school**  
68 **autonomy, expected outcomes, measures for evaluating success or**  
69 **failure, performance consequences, and other material terms;**

70 **(4) Conducts contract oversight that evaluates performance,**  
71 **monitors compliance, informs intervention and renewal decisions, and**  
72 **ensures autonomy provided under applicable law; and**

73 **(5) Designs and implements a transparent and rigorous process**  
74 **that uses comprehensive data to make merit-based renewal decisions.**

75 10. No university, college or community college shall grant a charter to  
76 a nonprofit corporation if an employee of the university, college or community  
77 college is a member of the corporation's board of directors.

78 11. No sponsor shall grant a charter under sections 160.400 to 160.420  
79 and 167.349, RSMo, without ensuring that a criminal background check and child  
80 abuse registry check are conducted for all members of the governing board of the  
81 charter schools or the incorporators of the charter school if initial directors are  
82 not named in the articles of incorporation, nor shall a sponsor renew a charter  
83 without ensuring a criminal background check and child abuse registry check are  
84 conducted for each member of the governing board of the charter school.

85           12. No member of the governing board of a charter school shall hold any  
86 office or employment from the board or the charter school while serving as a  
87 member, nor shall the member have any substantial interest, as defined in  
88 section 105.450, RSMo, in any entity employed by or contracting with the board.  
89 No board member shall be an employee of a company that provides substantial  
90 services to the charter school. All members of the governing board of the charter  
91 school shall be considered decision-making public servants as defined in section  
92 105.450, RSMo, for the purposes of the financial disclosure requirements  
93 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

94           13. A sponsor shall provide timely submission to the state board of  
95 education of all data necessary to demonstrate that the sponsor is in material  
96 compliance with all requirements of sections 160.400 to 160.420 and 167.349,  
97 RSMo.

98           14. The state board of education shall ensure each sponsor is in  
99 compliance with all requirements under sections 160.400 to 160.420 and 167.349,  
100 RSMo, for each charter school sponsored by any sponsor. The state board shall  
101 notify each sponsor of the standards for sponsorship of charter schools,  
102 delineating both what is mandated by statute and what best practices  
103 dictate. The state board, after a public hearing, may require remedial action for  
104 a sponsor that it finds has not fulfilled its obligations of sponsorship, such  
105 remedial actions including withholding the sponsor's funding and suspending for  
106 a period of up to one year the sponsor's authority to sponsor a school that it  
107 currently sponsors or to sponsor any additional school. If the state board removes  
108 the authority to sponsor a currently operating charter school, the state board  
109 shall become the interim sponsor of the school for a period of up to three years  
110 until the school finds a new sponsor or until the charter contract period lapses.

          160.405. 1. A person, group or organization seeking to establish a charter  
2 school shall submit the proposed charter, as provided in this section, to a sponsor.  
3 If the sponsor is not a school board, the applicant shall give a copy of its  
4 application to the school board of the district in which the charter school is to be  
5 located and to the state board of education, within five business days of the date  
6 the application is filed with the proposed sponsor. The school board may file  
7 objections with the proposed sponsor, and, if a charter is granted, the school  
8 board may file objections with the state board of education. The charter shall  
9 include a mission statement for the charter school, a description of the charter  
10 school's organizational structure and bylaws of the governing body, which will be

11 responsible for the policy and operational decisions of the charter school, a  
12 financial plan for the first three years of operation of the charter school including  
13 provisions for annual audits, a description of the charter school's policy for  
14 securing personnel services, its personnel policies, personnel qualifications, and  
15 professional development plan, a description of the grades or ages of students  
16 being served, the school's calendar of operation, which shall include at least the  
17 equivalent of a full school term as defined in section 160.011, and an outline of  
18 criteria specified in this section designed to measure the effectiveness of the  
19 school. The charter shall also state:

20 (1) The educational goals and objectives to be achieved by the charter  
21 school;

22 (2) A description of the charter school's educational program and  
23 curriculum;

24 (3) The term of the charter, which shall be not less than five years, nor  
25 greater than ten years and shall be renewable;

26 (4) A description of the charter school's pupil performance standards,  
27 which must meet the requirements of subdivision (6) of subsection 5 of this  
28 section. The charter school program must be designed to enable each pupil to  
29 achieve such standards;

30 (5) A description of the governance and operation of the charter school,  
31 including the nature and extent of parental, professional educator, and  
32 community involvement in the governance and operation of the charter school;  
33 and

34 (6) A description of the charter school's policies on student discipline and  
35 student admission, which shall include a statement, where applicable, of the  
36 validity of attendance of students who do not reside in the district but who may  
37 be eligible to attend under the terms of judicial settlements.

38 2. Proposed charters shall be subject to the following requirements:

39 (1) A charter may be approved when the sponsor determines that the  
40 requirements of this section are met and determines that the applicant is  
41 sufficiently qualified to operate a charter school. The sponsor's decision of  
42 approval or denial shall be made within ninety days of the filing of the proposed  
43 charter;

44 (2) If the charter is denied, the proposed sponsor shall notify the applicant  
45 in writing as to the reasons for its denial and forward a copy to the state board  
46 of education within five business days following the denial;

47           (3) If a proposed charter is denied by a sponsor, the proposed charter may  
48 be submitted to the state board of education, along with the sponsor's written  
49 reasons for its denial. If the state board determines that the applicant meets the  
50 requirements of this section, that the applicant is sufficiently qualified to operate  
51 the charter school, and that granting a charter to the applicant would be likely  
52 to provide educational benefit to the children of the district, the state board may  
53 grant a charter and act as sponsor of the charter school. The state board shall  
54 review the proposed charter and make a determination of whether to deny or  
55 grant the proposed charter within sixty days of receipt of the proposed charter,  
56 provided that any charter to be considered by the state board of education under  
57 this subdivision shall be submitted no later than March first prior to the school  
58 year in which the charter school intends to begin operations. The state board of  
59 education shall notify the applicant in writing as the reasons for its denial, if  
60 applicable; and

61           (4) The sponsor of a charter school shall give priority to charter school  
62 applicants that propose a school oriented to high-risk students and to the reentry  
63 of dropouts into the school system. If a sponsor grants three or more charters,  
64 at least one-third of the charters granted by the sponsor shall be to schools that  
65 actively recruit dropouts or high-risk students as their student body and address  
66 the needs of dropouts or high-risk students through their proposed mission,  
67 curriculum, teaching methods, and services. For purposes of this subsection, a  
68 "high-risk" student is one who is at least one year behind in satisfactory  
69 completion of course work or obtaining credits for graduation, pregnant or a  
70 parent, homeless or has been homeless sometime within the preceding six  
71 months, has limited English proficiency, has been suspended from school three  
72 or more times, is eligible for free or reduced-price school lunch, or has been  
73 referred by the school district for enrollment in an alternative  
74 program. "Dropout" shall be defined through the guidelines of the school core  
75 data report. The provisions of this subsection do not apply to charters sponsored  
76 by the state board of education.

77           3. If a charter is approved by a sponsor, the charter application shall be  
78 submitted to the state board of education, along with a statement of finding that  
79 the application meets the requirements of sections 160.400 to 160.420 and section  
80 167.439, RSMo, and a monitoring plan under which the charter sponsor will  
81 evaluate the academic performance of students enrolled in the charter  
82 school. The state board of education may, within sixty days, disapprove the

83 granting of the charter. The state board of education may disapprove a charter  
84 on grounds that the application fails to meet the requirements of sections 160.400  
85 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed  
86 to meet the statutory responsibilities of a charter sponsor.

87 4. Any disapproval of a charter pursuant to subsection 3 of this section  
88 shall be subject to judicial review pursuant to chapter 536, RSMo.

89 5. A charter school shall, as provided in its charter:

90 (1) Be nonsectarian in its programs, admission policies, employment  
91 practices, and all other operations;

92 (2) Comply with laws and regulations of the state, county, or city relating  
93 to health, safety, and state minimum educational standards, as specified by the  
94 state board of education, including the requirements relating to student discipline  
95 under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of  
96 criminal conduct to law enforcement authorities under sections 167.115 to  
97 167.117, RSMo, academic assessment under section 160.518, transmittal of school  
98 records under section 167.020, RSMo, and the minimum number of school days  
99 and hours required under section 160.041;

100 (3) Except as provided in sections 160.400 to 160.420, be exempt from all  
101 laws and rules relating to schools, governing boards and school districts;

102 (4) Be financially accountable, use practices consistent with the Missouri  
103 financial accounting manual, provide for an annual audit by a certified public  
104 accountant, publish audit reports and annual financial reports as provided in  
105 chapter 165, RSMo, provided that the annual financial report may be published  
106 on the department of elementary and secondary education's Internet web site in  
107 addition to other publishing requirements, and provide liability insurance to  
108 indemnify the school, its board, staff and teachers against tort claims. A charter  
109 school that receives local educational agency status under subsection 6 of this  
110 section shall meet the requirements imposed by the Elementary and Secondary  
111 Education Act for audits of such agencies. For purposes of an audit by petition  
112 under section 29.230, RSMo, a charter school shall be treated as a political  
113 subdivision on the same terms and conditions as the school district in which it is  
114 located. For the purposes of securing such insurance, a charter school shall be  
115 eligible for the Missouri public entity risk management fund pursuant to section  
116 537.700, RSMo. A charter school that incurs debt must include a repayment plan  
117 in its financial plan;

118 (5) Provide a comprehensive program of instruction for at least one grade

119 or age group from kindergarten through grade twelve, which may include early  
120 childhood education if funding for such programs is established by statute, as  
121 specified in its charter;

122 (6) (a) Design a method to measure pupil progress toward the pupil  
123 academic standards adopted by the state board of education pursuant to section  
124 160.514, collect baseline data during at least the first three years for determining  
125 how the charter school is performing and to the extent applicable, participate in  
126 the statewide system of assessments, comprised of the essential skills tests and  
127 the nationally standardized norm-referenced achievement tests, as designated by  
128 the state board pursuant to section 160.518, complete and distribute an annual  
129 report card as prescribed in section 160.522, which shall also include a statement  
130 that background checks have been completed on the charter school's board  
131 members, report to its sponsor, the local school district, and the state board of  
132 education as to its teaching methods and any educational innovations and the  
133 results thereof, and provide data required for the study of charter schools  
134 pursuant to subsection 4 of section 160.410. No charter school will be considered  
135 in the Missouri school improvement program review of the district in which it is  
136 located for the resource or process standards of the program.

137 (b) For proposed high risk or alternative charter schools, sponsors shall  
138 approve performance measures based on mission, curriculum, teaching methods,  
139 and services. Sponsors shall also approve comprehensive academic and  
140 behavioral measures to determine whether students are meeting performance  
141 standards on a different time frame as specified in that school's charter. Student  
142 performance shall be assessed comprehensively to determine whether a high risk  
143 or alternative charter school has documented adequate student progress. Student  
144 performance shall be based on sponsor-approved comprehensive measures as well  
145 as standardized public school measures. Annual presentation of charter school  
146 report card data to the department of elementary and secondary education, the  
147 state board, and the public shall include comprehensive measures of student  
148 progress.

149 (c) Nothing in this paragraph shall be construed as permitting a charter  
150 school to be held to lower performance standards than other public schools within  
151 a district; however, the charter of a charter school may permit students to meet  
152 performance standards on a different time frame as specified in its charter;

153 (7) Assure that the needs of special education children are met in  
154 compliance with all applicable federal and state laws and regulations;



155 (8) Provide along with any request for review by the state board of  
156 education the following:

157 (a) Documentation that the applicant has provided a copy of the  
158 application to the school board of the district in which the charter school is to be  
159 located, except in those circumstances where the school district is the sponsor of  
160 the charter school; and

161 (b) A statement outlining the reasons for approval or disapproval by the  
162 sponsor, specifically addressing the requirements of sections 160.400 to 160.420  
163 and 167.349, RSMo.

164 6. The charter of a charter school may be amended at the request of the  
165 governing body of the charter school and on the approval of the sponsor. The  
166 sponsor and the governing board and staff of the charter school shall jointly  
167 review the school's performance, management and operations at least once every  
168 two years or at any point where the operation or management of the charter  
169 school is changed or transferred to another entity, either public or private. The  
170 governing board of a charter school may amend the charter, if the sponsor  
171 approves such amendment, or the sponsor and the governing board may reach an  
172 agreement in writing to reflect the charter school's decision to become a local  
173 educational agency for the sole purpose of seeking direct access to federal grants.  
174 In such case the sponsor shall give the department of elementary and secondary  
175 education written notice no later than March first of any year, with the  
176 agreement to become effective July first. The department may waive the March  
177 first notice date in its discretion. The department shall identify and furnish a list  
178 of its regulations that pertain to local educational agencies to such schools within  
179 thirty days of receiving such notice.

180 7. (1) A sponsor [may] **shall revoke a charter or take other**  
181 **appropriate remedial action, which may include placing the charter**  
182 **school on probationary status**, at any time if the charter school commits a  
183 serious breach of one or more provisions of its charter or on any of the following  
184 grounds: failure to meet academic performance standards as set forth in its  
185 charter, failure to meet generally accepted standards of fiscal management,  
186 failure to provide information necessary to confirm compliance with all provisions  
187 of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within  
188 forty-five days following receipt of written notice requesting such information, or  
189 violation of law.

190 (2) The sponsor may place the charter school on probationary status to

191 allow the implementation of a remedial plan, which may require a change of  
192 methodology, a change in leadership, or both, after which, if such plan is  
193 unsuccessful, the charter may be revoked.

194 (3) At least sixty days before acting to revoke a charter, the sponsor shall  
195 notify the governing board of the charter school of the proposed action in  
196 writing. The notice shall state the grounds for the proposed action. The school's  
197 governing board may request in writing a hearing before the sponsor within two  
198 weeks of receiving the notice.

199 (4) The sponsor of a charter school shall establish procedures to conduct  
200 administrative hearings upon determination by the sponsor that grounds exist to  
201 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant  
202 to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

203 (5) A termination shall be effective only at the conclusion of the school  
204 year, unless the sponsor determines that continued operation of the school  
205 presents a clear and immediate threat to the health and safety of the children.

206 (6) A charter sponsor shall make available the school accountability report  
207 card information as provided under section 160.522 and the results of the  
208 academic monitoring required under subsection 3 of this section.

209 8. A sponsor shall take all reasonable steps necessary to confirm that each  
210 charter school sponsored by such sponsor is in material compliance and remains  
211 in material compliance with all material provisions of the charter and sections  
212 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all  
213 information necessary to confirm ongoing compliance with all provisions of its  
214 charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner  
215 to its sponsor.

216 9. A school district may enter into a lease with a charter school for  
217 physical facilities.

218 10. A governing board or a school district employee who has control over  
219 personnel actions shall not take unlawful reprisal against another employee at  
220 the school district because the employee is directly or indirectly involved in an  
221 application to establish a charter school. A governing board or a school district  
222 employee shall not take unlawful reprisal against an educational program of the  
223 school or the school district because an application to establish a charter school  
224 proposes the conversion of all or a portion of the educational program to a charter  
225 school. As used in this subsection, "unlawful reprisal" means an action that is  
226 taken by a governing board or a school district employee as a direct result of a

227 lawful application to establish a charter school and that is adverse to another  
228 employee or an educational program.

229 11. Charter school board members shall be subject to the same liability  
230 for acts while in office as if they were regularly and duly elected members of  
231 school boards in any other public school district in this state. The governing  
232 board of a charter school may participate, to the same extent as a school board,  
233 in the Missouri public entity risk management fund in the manner provided  
234 under sections 537.700 to 537.756, RSMo.

235 12. Any entity, either public or private, operating, administering, or  
236 otherwise managing a charter school shall be considered a quasi-public  
237 governmental body and subject to the provisions of sections 610.010 to 610.035,  
238 RSMo.

239 13. The chief financial officer of a charter school shall maintain:

240 (1) A surety bond in an amount determined by the sponsor to be adequate  
241 based on the cash flow of the school; or

242 (2) **An insurance policy issued by an insurance company licensed**  
243 **to do business in Missouri on all employees in the amount of five**  
244 **hundred thousand dollars or more that provides coverage in the event**  
245 **of employee theft.**

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban  
4 voluntary transfer program; and

5 (3) In the case of a workplace charter school, any student eligible to  
6 attend under subdivision (1) or (2) of this subsection whose parent is employed  
7 in the business district, who submits a timely application, unless the number of  
8 applications exceeds the capacity of a program, class, grade level or building. The  
9 configuration of a business district shall be set forth in the charter and shall not  
10 be construed to create an undue advantage for a single employer or small number  
11 of employers.

12 2. If capacity is insufficient to enroll all pupils who submit a timely  
13 application, the charter school shall have an admissions process that assures all  
14 applicants of an equal chance of gaining admission except that:

15 (1) A charter school may establish a geographical area around the school  
16 whose residents will receive a preference for enrolling in the school, provided that  
17 such preferences do not result in the establishment of racially or

18 socioeconomically isolated schools and provided such preferences conform to  
19 policies and guidelines established by the state board of education; and

20 (2) A charter school may also give a preference for admission of children  
21 whose siblings attend the school or whose parents are employed at the school or  
22 in the case of a workplace charter school, a child whose parent is employed in the  
23 business district or at the business site of such school.

24 3. A charter school shall not limit admission based on race, ethnicity,  
25 national origin, disability, gender, income level, proficiency in the English  
26 language or athletic ability, but may limit admission to pupils within a given age  
27 group or grade level.

28 4. The department of elementary and secondary education shall  
29 commission a study of the performance of students at each charter school in  
30 comparison with [a comparable] **an equivalent group of district students**  
31 **representing an equivalent demographic and geographic population** and  
32 a study of the impact of charter schools upon **the constituents they serve in**  
33 the districts in which they are located, to be conducted by [a contractor selected  
34 through a request for proposal] **the joint committee on education**. [The  
35 department of elementary and secondary education shall reimburse the contractor  
36 from funds appropriated by the general assembly for the purpose.] **The charter**  
37 **school study shall include analysis of the administrative and**  
38 **instructional practices of each charter school and shall include findings**  
39 **on innovative programs that illustrate best practices and lend**  
40 **themselves to replication or incorporation in other schools. The joint**  
41 **committee on education shall coordinate with individuals representing**  
42 **charter public schools and the districts in which charter schools are**  
43 **located in conducting the study.** The study of a charter school's student  
44 performance in relation to a comparable group shall be designed to provide  
45 information that would allow parents and educators to make valid comparisons  
46 of academic performance between the charter school's students and [a] **an**  
47 **equivalent** group of **district** students [comparable to the students enrolled in  
48 the charter school] **representing an equivalent demographic and**  
49 **geographic population. The student performance assessment and**  
50 **comparison shall include, but may not be limited to:**

51 (1) **Missouri assessment program test performance and aggregate**  
52 **growth over several years;**

53 (2) **Student reenrollment rates;**

- 54           **(3) Educator, parent, and student satisfaction data;**  
55           **(4) Graduation rates in secondary programs; and**  
56           **(5) Performance of students enrolled in the same public school**  
57 **for three or more consecutive years.**

58 The impact study shall be undertaken every two years to determine the [effect]  
59 **impact** of charter schools on [education stakeholders] **the constituents they**  
60 **serve** in the districts where charter schools are operated. The impact study  
61 [may] **shall** include, but is not limited to, determining if changes have been made  
62 in district policy or procedures attributable to the charter school and to perceived  
63 changes in attitudes and expectations on the part of district personnel, school  
64 board members, parents, students, the business community and other education  
65 stakeholders. The department of elementary and secondary education shall make  
66 the results of the studies public and shall deliver copies to the governing boards  
67 of the charter schools, the sponsors of the charter schools, the school board and  
68 superintendent of the districts in which the charter schools are operated.

69           5. A charter school shall make available for public inspection, and provide  
70 upon request, to the parent, guardian, or other custodian of any school-age pupil  
71 resident in the district in which the school is located the following information:

- 72           (1) The school's charter;  
73           (2) The school's most recent annual report card published according to  
74 section 160.522; and  
75           (3) The results of background checks on the charter school's board  
76 members.

77 The charter school may charge reasonable fees, not to exceed the rate specified  
78 in section 610.026, RSMo, for furnishing copies of documents under this  
79 subsection.

160.534. 1. For fiscal year 1996 and each subsequent fiscal year, any  
2 amount of the excursion gambling boat proceeds deposited in the gaming proceeds  
3 for education fund in excess of the amount transferred to the school district bond  
4 fund as provided in section 164.303, RSMo, shall be transferred to the classroom  
5 trust fund. Such moneys shall be distributed in the manner provided in section  
6 163.043, RSMo.

7           2. Starting in fiscal year 2009, and for each subsequent fiscal year, all  
8 excursion gambling boat proceeds deposited in the gaming proceeds for education  
9 fund in excess of the amount transferred to the classroom trust fund for fiscal  
10 year 2008 plus the amount appropriated to the school district bond fund in

11 accordance with section 164.303, RSMo, shall be deposited into the schools first  
12 elementary and secondary education improvement fund. **The provisions of this**  
13 **subsection shall terminate on July 1, 2010.**

14 3. The amounts deposited in the schools first elementary and secondary  
15 education improvement fund pursuant to this section shall constitute new and  
16 additional funding for elementary and secondary education and shall not be used  
17 to replace existing funding provided for elementary and secondary  
18 education. **The provisions of this subsection shall terminate on July 1,**  
19 **2009.**

2 **160.539. 1. The "School Flex Program" is established to allow**  
3 **eligible students to pursue a timely graduation from high school. The**  
4 **term "eligible students" includes students in grades 11 or 12 who have**  
5 **been identified by the student's principal and the student's parent or**  
6 **guardian to benefit by participating in the school flex program.**

7 **2. An eligible student who participates in a school flex program**  
8 **shall:**

9 **(1) Attend school a minimum of two instructional hours per**  
10 **school day within the district of residence;**

11 **(2) Pursue a timely graduation;**

12 **(3) Provide evidence of college or technical career education**  
13 **enrollment and attendance, or proof of employment and labor that is**  
14 **aligned with the student's career academic plan which has been**  
15 **developed by the school district;**

16 **(4) Refrain from being expelled or suspended while participating**  
17 **in a school flex program;**

18 **(5) Pursue course and credit requirements for a diploma; and**

19 **(6) Maintain a ninety-five percent attendance rate.**

20 **3. Eligible students participating in the school flex program shall**  
21 **be considered full-time students of the school district and shall be**  
22 **counted in the school's average daily attendance for state basic aid**  
23 **purposes.**

24 **4. School districts participating in the school flex program shall**  
25 **submit, on forms provided by the department of elementary and**  
26 **secondary education, an annual report to the department which shall**  
27 **include information required by the department, including but not**  
28 **limited to student participation, dropout, and graduation rates for**  
**students participating in the program. The department shall annually**

29 report to the joint committee on education under section 160.254 on the  
30 effectiveness of the program.

160.800. The governor may, on behalf of the state and in  
2 accordance with chapter 355, RSMo, establish a private not-for-profit  
3 corporation named the "P-20 Council", to carry out the provisions of  
4 sections 160.800 to 160.820. As used in this section, the word  
5 "corporation" means the P-20 council authorized by this section. Before  
6 certification by the governor, the corporation shall conduct a public  
7 hearing for the purpose of giving all interested parties an opportunity  
8 to review and comment upon the articles of incorporation, bylaws, and  
9 method of operation of the corporation. Notice of hearing shall be  
10 given at least fourteen days prior to the hearing.

160.805. 1. The articles of incorporation and bylaws of the  
2 corporation shall provide that the purpose of the corporation is to  
3 create a more efficient and effective education system that more  
4 adequately prepares students for the challenges of entering the  
5 workforce.

6 2. The board of directors of the corporation shall be composed  
7 of thirteen members. The governor shall annually appoint one of its  
8 members, who shall be employed in the private sector, as  
9 chairperson. The board shall consist of the following members:

- 10 (1) The director of the department of economic development;  
11 (2) The commissioner of higher education;  
12 (3) The chairperson of the coordinating board for higher  
13 education;  
14 (4) The president of the state board of education;  
15 (5) The chairperson of the coordinating board of early childhood;  
16 (6) The commissioner of education;  
17 (7) Seven members appointed by the governor. Two members  
18 shall represent higher education institutions, one two-year institution  
19 and one four-year institution; two members shall represent elementary  
20 and secondary schools; two members shall represent the private, for-  
21 profit business sector; and one member shall represent an early  
22 childhood education provider.

23 3. Each member of the board of directors of the corporation  
24 appointed by the governor shall serve for a term of four years. Of the  
25 directors initially appointed to the board of directors by the governor,

26 two directors shall be designated by the governor to serve a term of  
27 four years, two directors shall be designated to serve a term of three  
28 years, two directors shall be designated to serve a term of two years,  
29 and one director shall be designated to serve a term of one  
30 year. Thereafter, directors shall serve a term of four years. Each  
31 director shall continue to serve until a successor is duly appointed by  
32 the governor.

33 4. The corporation may receive money from any source, may  
34 borrow money, may enter into contracts, and may expend money for  
35 any activities appropriate to its purpose.

36 5. The corporation may appoint staff and do all other things  
37 necessary or incidental to carrying out the functions listed in sections  
38 160.800 to 160.820.

39 6. Any changes in the articles of incorporation or bylaws shall be  
40 approved by the governor.

41 7. The corporation shall submit an annual report to the governor  
42 and to the Missouri general assembly by the first day of November and  
43 shall include detailed information on the structure, operation, and  
44 financial status of the corporation. The corporation shall conduct an  
45 annual public hearing to receive comments from interested parties  
46 regarding the report, and notice of the hearing shall be given at least  
47 fourteen days prior to the hearing.

48 8. The corporation shall be subject to an annual audit by the  
49 state auditor. The corporation shall bear the full cost of the audit.

160.810. The corporation, after being certified by the governor  
2 as provided by section 160.800, may:

3 (1) Study the potential for a state-coordinated economic and  
4 educational policy that addresses all levels of education;

5 (2) Determine where obstacles make state support of programs  
6 that cross institutional or jurisdictional boundaries difficult and  
7 suggest remedies;

8 (3) Create programs that:

9 (a) Intervene at known critical transition points, such as middle  
10 school to high school and the freshman year of college, to help ensure  
11 student success at the next level;

12 (b) Foster higher education faculty spending time in elementary  
13 and secondary classrooms and private workplaces, and elementary and



14 secondary faculty spending time in general education level higher  
15 education courses and private workplaces, with particular emphasis on  
16 secondary school faculty working with general education higher  
17 education faculty;

18 (c) Allow education stakeholders to collaborate with members of  
19 business and industry to foster policy alignment, professional  
20 interaction, and information systems across sectors;

21 (d) Regularly provide feedback to schools, colleges, and  
22 employers concerning the number of students requiring postsecondary  
23 remediation, whether in educational institutions or the workplace;

24 (4) Explore ways to better align academic content, particularly  
25 between secondary school and first-year courses at public colleges and  
26 universities, which may include alignment between:

27 (a) Elementary and secondary assessments and public college  
28 and university admission and placement standards; and

29 (b) Articulation agreements for programs across sectors and  
30 educational levels.

160.815. 1. Debts incurred by the corporation established  
2 pursuant to the authority of sections 160.800 to 160.820 do not represent  
3 or constitute a debt of this state within the meaning of the provisions  
4 of the constitution or statutes of this state.

5 2. The corporation established pursuant to sections 160.800 to  
6 160.820 shall be subject to all provisions of chapter 355, RSMo, which  
7 do not conflict with the provisions of sections 160.800 to 160.820.

160.820. In order to assist the corporation in achieving the  
2 objectives identified in section 160.810, the department of economic  
3 development, department of elementary and secondary education, and  
4 department of higher education may contract with the corporation for  
5 activities consistent with the corporation's purpose, as specified in  
6 section 160.805, including but not limited to the employment of any  
7 personnel of the corporation, administrative services, and provision of  
8 office space. When contracting with the corporation under the  
9 provisions of this section, the departments may directly enter into  
10 agreements with the corporation and shall not be bound by the  
11 provisions of chapter 34, RSMo.

160.950. 1. There is hereby created in the state treasury the  
2 "Persistence to Graduation Fund", which shall consist of money

3 collected under this section. The state treasurer shall be custodian of  
4 the fund and may approve disbursements from the fund in accordance  
5 with sections 30.170 and 30.180, RSMo. Upon appropriation, money in  
6 the fund shall be used solely for the administration of this section. Any  
7 moneys remaining in the fund at the end of the biennium shall revert  
8 to the credit of the general revenue fund. The state treasurer shall  
9 invest moneys in the fund in the same manner as other funds are  
10 invested. Any interest and moneys earned on such investments shall be  
11 credited to the fund. The fund shall be administered by the department  
12 of elementary and secondary education.

13 2. The department of elementary and secondary education shall  
14 establish a procedure whereby seven-director, urban, and metropolitan  
15 school districts may apply for grant awards from the persistence to  
16 graduation fund in order for such districts to implement drop-out  
17 prevention strategies. Successful applicants under this section shall be  
18 awarded grants for one to five consecutive years. Upon expiration of  
19 the initial grant, the district may reapply for an extension of the grant  
20 award for a period of time deemed appropriate by both the district and  
21 the department. The department of elementary and secondary  
22 education shall give preference to school districts that propose a  
23 holistic approach to drop-out prevention, directed at a broad array of  
24 students, from the pre-kindergarten level through early adulthood,  
25 including the following characteristics:

26 (1) A collaborative approach between the school district and  
27 various community organizations, including nonprofit organizations,  
28 local governmental organizations, law enforcement agencies, "approved  
29 public institutions" and "approved private institutions" as such terms  
30 are defined in section 173.1102, RSMo, and institutions able to deliver  
31 proven, research-based intervention services;

32 (2) Early intervention strategies, including family engagement,  
33 early childhood education, early literacy development, family literacy,  
34 and mental health detection and treatment;

35 (3) Increased accountability measures that track at-risk students  
36 that leave the district;

37 (4) The implementation or augmentation of the following basic  
38 core strategies for drop-out prevention:

39 (a) Mentoring;

40           **(b) Tutoring;**  
41           **(c) Alternative schooling;**  
42           **(d) Career and technical education; and**  
43           **(e) Before or after school programs;**  
44           **(5) The implementation of early intervention strategies for**  
45 **students who display strong indicators that they will not persist to**  
46 **graduation.**

47           **3. Subject to appropriation, grants awarded under this section**  
48 **shall be available to school districts that have a student population of**  
49 **which sixty percent or greater is eligible for a free and reduced lunch**  
50 **on the last Wednesday in January for the preceding school year who**  
51 **were enrolled as students of the district, as approved by the**  
52 **department of elementary and secondary education in accordance with**  
53 **applicable federal regulations.**

54           **4. The department of elementary and secondary education shall**  
55 **promulgate rules, no later than January 15, 2010, for the**  
56 **implementation of this section, including:**

57           **(1) A procedure by which funds shall be allocated to the applying**  
58 **school districts; and**

59           **(2) A means to judge the effectiveness of the drop-out prevention**  
60 **programs of the districts that receive grants under this program.**

61 **Any rule or portion of a rule, as that term is defined in section 536.010,**  
62 **RSMo, that is created under the authority delegated in this section**  
63 **shall become effective only if it complies with and is subject to all of**  
64 **the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**  
65 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**  
66 **of the powers vested with the general assembly pursuant to chapter**  
67 **536, RSMo, to review, to delay the effective date, or to disapprove and**  
68 **annul a rule are subsequently held unconstitutional, then the grant of**  
69 **rulemaking authority and any rule proposed or adopted after August**  
70 **28, 2009, shall be invalid and void.**

71           **5. The department of elementary and secondary education may**  
72 **cease award payments to any district at any time if the department**  
73 **determines that such funds are being misused or if the district's drop-**  
74 **out prevention program is deemed to be ineffectual. Any decision to**  
75 **discontinue payments of such funds shall be presented to the applicable**  
76 **district in writing at least thirty days prior to the cessation of fund**

77 **payments.**

78 **6. The department of elementary and secondary education shall**  
79 **report to the general assembly and to the governor, no later than**  
80 **January fifteenth annually:**

81 **(1) The recipients and amounts of the grants awarded under this**  
82 **section; and**

83 **(2) The persistence to graduation data from the preceding five**  
84 **years for each district awarded grants under this section.**

85 **7. Subject to appropriation, the general assembly shall annually**  
86 **appropriate an amount sufficient to fund the provisions of this section.**

87 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

88 **(1) The provisions of the new program authorized under this**  
89 **section shall sunset automatically six years after the effective date of**  
90 **this section unless reauthorized by an act of the general assembly; and**

91 **(2) If such program is reauthorized, the program authorized**  
92 **under this section shall sunset automatically twelve years after the**  
93 **effective date of the reauthorization of this section; and**

94 **(3) This section shall terminate on September first of the**  
95 **calendar year immediately following the calendar year in which the**  
96 **program authorized under this section is sunset.**

161.072. The state board of education shall meet semiannually in  
2 December and in June in Jefferson City. Other meetings may be called by the  
3 president of the board on [five] **seven** days' written notice to the members. In  
4 the absence of the president, the commissioner of education shall call a meeting  
5 on request of [four] **three** members of the board, and if both the president and  
6 the commissioner of education are absent or refuse to call a meeting, any [four]  
7 **three** members of the board may call a meeting by similar notices in  
8 writing. **The business to come before the board shall be available by**  
9 **free electronic record at least seven business days prior to the start of**  
10 **each meeting. All records of any decisions, votes, exhibits, or outcomes**  
11 **shall be available by free electronic media within forty-eight hours**  
12 **following the conclusion of every meeting. Any materials prepared for**  
13 **the members of the board by the staff shall be delivered to the members**  
14 **at least five days before the meeting, and to the extent such materials**  
15 **are public records as defined in section 610.010, RSMo, and are not**  
16 **permitted to be closed under section 610.021, RSMo, shall be made**  
17 **available by free electronic media at least five business days in advance**

**18 of the meeting.**

161.122. The commissioner of education shall supervise the department  
2 of elementary and secondary education. Either in person or by deputy, he **or she**  
3 shall confer with and advise county and school district officers, teachers, and  
4 patrons of the public schools on all matters pertaining to the school law; visit and  
5 supervise schools, and make suggestions in regard to the subject matter and  
6 methods of instruction, the control and government of the schools, and the care  
7 and keeping of all school property; attend and assist in meetings of teachers,  
8 directors, and patrons of the public schools; and seek in every way to elevate the  
9 standards and efficiency of the instruction given in the public schools of the  
10 state. **The commissioner shall study and evaluate and test the progress,**  
11 **or lack thereof, in achieving these objectives and shall promptly make**  
12 **public by free electronic media the results of all studies and**  
13 **evaluations and tests insofar as consistent with student or parental**  
14 **privacy rights contained in federal or state law.**

161.380. 1. Each public school shall develop standards for  
2 teaching no later than June 30, 2010. The standards shall be applicable  
3 to all public schools, including public charter schools operated by the  
4 board of a school district.

5 2. Teaching standards shall include, but not be limited to, the  
6 following:

7 (1) Students actively participate and are successful in the  
8 learning process;

9 (2) Various forms of assessment are used to monitor and manage  
10 student learning;

11 (3) The teacher is prepared and knowledgeable of the content  
12 and effectively maintains students' on-task behavior;

13 (4) The teacher uses professional communication and interaction  
14 with the school community;

15 (5) The teacher keeps current on instructional knowledge and  
16 seeks and explores changes in teaching behaviors that will improve  
17 student performance; and

18 (6) The teacher acts as a responsible professional in the overall  
19 mission of the school.

20 3. The department may provide assistance to public schools in  
21 developing these standards upon request.

161.800. 1. This section establishes a program for public

2 elementary and secondary schools to increase volunteer and parental  
3 involvement. The program shall be known and may be cited as the  
4 "Volunteer and Parents Incentive Program". The department of  
5 elementary and secondary education shall implement and administer  
6 the program.

7 2. For purposes of this section, the following terms shall mean:

8 (1) "At risk student":

9 (a) A student who is still of school age but whose continued  
10 education is in jeopardy because the student is experiencing academic  
11 deficits, including but not limited to:

12 a. Being one or more years behind their age or grade level in  
13 mathematics or reading skills through eighth grade or three or more  
14 credits behind in the number of credits toward graduation from the  
15 ninth grade through twelfth grade;

16 b. Having low scores on tests of academic achievement and  
17 scholastic aptitude;

18 c. Having low grades and academic deficiencies;

19 d. Having a history of failure and being held back in school;

20 e. Having language problems or being from a non-English  
21 speaking home; or

22 f. Not having access to appropriate educational programs.

23 (b) A student may also be considered "at risk" if the student has  
24 any of the following:

25 a. A parent or sibling who dropped out of school;

26 b. Experienced numerous family relocations;

27 c. Poor social adjustment, or deviant social behavior;

28 d. Employment of more than twenty hours per week while school  
29 is in session;

30 e. Been the victim of racial or ethnic prejudice;

31 f. Low self-esteem and expectations of teachers, parents, and the  
32 community;

33 g. A poorly educated mother or father;

34 h. Children of their own;

35 i. A deprived environment that slows economic and social  
36 development;

37 j. A fatherless home;

38 k. Been the victim of personal or family abuse, including

39 substance abuse, emotional abuse, and sexual abuse;

40 (2) "Department", the department of elementary and secondary  
41 education;

42 (3) "Institution of higher education", a four year college or  
43 university located in the state of Missouri;

44 (4) "Program", the volunteer and parents incentive program;

45 (5) "Qualifying public school", a school located in Missouri that:

46 (a) Is located in a school district that has been classified by the  
47 state board of education as unaccredited or provisionally accredited;  
48 or

49 (b) That has a student population of more than fifty percent at-  
50 risk students.

51 3. The department shall, subject to appropriation, provide a  
52 reimbursement to parents or volunteers who donate time at a  
53 qualifying public school. For every one hundred hours that a parent or  
54 volunteer donates to a qualifying public school, the department shall  
55 provide a reimbursement of up to five hundred dollars towards the cost  
56 of three credit hours of education from a public institution of higher  
57 education located in Missouri. The reimbursement shall occur after  
58 completion of the three credit hours of education. The reimbursement  
59 amount shall not exceed five hundred dollars every two years.

60 4. A school district that participates in the program shall verify  
61 to the department the time donated by a parent or volunteer.

62 5. If a school district that participates in the program becomes  
63 classified as accredited by the state board of education, the school  
64 district may continue to participate in the program for an additional  
65 two years.

66 6. The department of elementary and secondary education shall  
67 promulgate rules and regulations to implement this section. Any rule  
68 or portion of a rule, as that term is defined in section 536.010, RSMo,  
69 that is created under the authority delegated in this section shall  
70 become effective only if it complies with and is subject to all of the  
71 provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
72 RSMo. This section and chapter 536, RSMo, are nonseverable and if any  
73 of the powers vested with the general assembly pursuant to chapter  
74 536, RSMo, to review, to delay the effective date, or to disapprove and  
75 annul a rule are subsequently held unconstitutional, then the grant of

76 rulemaking authority and any rule proposed or adopted after August  
77 28, 2009, shall be invalid and void.

78       7. There is hereby created in the state treasury the "Volunteer  
79 and Parents Incentive Program Fund", which shall consist of general  
80 revenue appropriated to the program, funds received from the federal  
81 government, and voluntary contributions to support or match program  
82 activities. The state treasurer shall be custodian of the fund and may  
83 approve disbursements from the fund in accordance with sections  
84 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall  
85 be used solely for the administration of the volunteer and parents  
86 incentive program. Notwithstanding the provisions of section 33.080,  
87 RSMo, to the contrary, any moneys remaining in the fund at the end of  
88 the biennium shall not revert to the credit of the general revenue  
89 fund. The state treasurer shall invest moneys in the fund in the same  
90 manner as other funds are invested. Any interest and moneys earned  
91 on such investments shall be credited to the fund.

92       8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

93       (1) The provisions of the new program authorized under this  
94 section shall automatically sunset six years after the effective date of  
95 this section unless reauthorized by an act of the general assembly; and

96       (2) If such program is reauthorized, the program authorized  
97 under this section shall automatically sunset twelve years after the  
98 effective date of the reauthorization of this section; and

99       (3) This section shall terminate on September first of the  
100 calendar year immediately following the calendar year in which the  
101 program authorized under this section is sunset.

161.850. 1. By January 1, 2010, the department of elementary and  
2 secondary education shall develop and produce a publication entitled  
3 "The Parents' Bill of Rights" that shall be designed to inform parents of  
4 children with an individualized education program of their educational  
5 rights provided under federal and state law. The content of the  
6 publication shall not confer any right or rights beyond those conferred  
7 by federal or state law and shall state that it is for informational  
8 purposes only. The department shall post a copy of this publication on  
9 its web site. The publication shall contain the department's contact  
10 information.

11       2. The publication shall contain, but may not be limited to, the



12 following general information presented in a clear and concise manner  
13 and the department shall ensure the content is consistent with legal  
14 interpretations of existing federal and state law and provides equitable  
15 treatment of all disability groups and interests:

16 (1) The right of parents to attend individualized education  
17 program meetings and represent their child's interests;

18 (2) The right of parents to have an advocate or expert present at  
19 an individualized education program meeting;

20 (3) The right of parents to receive a copy of the child's  
21 evaluation and to disagree with its results and request one independent  
22 educational evaluation at public expense;

23 (4) The right of parents to provide a written report from outside  
24 sources as part of the evaluation process;

25 (5) The right of parents to examine all school records pertaining  
26 to the child and be provided with a copy of the individualized  
27 education program;

28 (6) The right of parents to disagree with the decision of the  
29 school district and the individualized education program team and to  
30 pursue complaint procedures, including a child complaint filed with the  
31 department of elementary and secondary education, state-paid  
32 mediation, and other due process rights;

33 (7) The right of parents with a child with an individualized  
34 education program to participate in reviews of such program,  
35 participate in any decision to change any aspects of the individualized  
36 education program, and meet with school officials whenever a change  
37 occurs in their child's education program or classroom placement;

38 (8) The right of a child to be placed in the least restrictive  
39 environment and be placed in a general education classroom, to the  
40 greatest extent appropriate;

41 (9) The right of parents with limited English language  
42 proficiency to request an accommodation to provide effective  
43 communications;

44 (10) The right of parents to have a free appropriate public  
45 education for their child with an individualized education program  
46 designed to meet their child's unique needs, which may include, but not  
47 be limited to, special education and related services such as assistive  
48 technology devices and services, transportation, speech pathology

49 services, audiology services, interpreting services, psychological  
50 services, including behavioral interventions, physical therapy,  
51 occupational therapy, recreation, including therapeutic recreation,  
52 early identification and assessment of disabilities in children,  
53 counseling services, including rehabilitation counseling, orientation  
54 and mobility services, school health services, school nurse services,  
55 social work services, parent counseling and training, and medical  
56 services for diagnostic or evaluation purposes.

57 3. Each school district shall provide the parent or parents of a  
58 child with a copy of this publication upon determining that a student  
59 qualifies for an individualized education program, and at any such time  
60 as a school district is required under state or federal law to provide the  
61 parent or parents with notice of procedural safeguards.

62 4. The department of elementary and secondary education shall  
63 review and revise the content of the publication as necessary to ensure  
64 the content accurately summarizes current federal and state law and  
65 shall promulgate rules and regulations necessary to implement the  
66 provisions of this section, including but not limited to, the manner in  
67 which the publication described in this section shall be distributed.

68 5. Any rule or portion of a rule, as that term is defined in section  
69 536.010, RSMo, that is created under the authority delegated in this  
70 section shall become effective only if it complies with and is subject to  
71 all of the provisions of chapter 536, RSMo, and, if applicable, section  
72 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
73 and if any of the powers vested with the general assembly pursuant to  
74 chapter 536, RSMo, to review, to delay the effective date, or to  
75 disapprove and annul a rule are subsequently held unconstitutional,  
76 then the grant of rulemaking authority and any rule proposed or  
77 adopted after August 28, 2009, shall be invalid and void.

162.083. 1. The state board of education may appoint additional  
2 members to any special administrative board appointed under section  
3 162.081.

4 2. The state board of education may set a final term of office for  
5 any member of a special administrative board, after which a successor  
6 member shall be elected by the voters of the district.

7 (1) All final terms of office for members of the special  
8 administrative board established under this section shall expire on

9 June thirtieth.

10 (2) The election of a successor member shall occur on the general  
11 municipal election day immediately prior to the expiration of the final  
12 term of office.

13 (3) The election shall be conducted in a manner consistent with  
14 the election laws applicable to the school district.

15 3. Nothing in this section shall be construed as barring an  
16 otherwise qualified member of the special administrative board from  
17 standing for an elected term on the board.

18 4. If the state board of education appoints a successor member  
19 to replace the chair of the special administrative board, the serving  
20 members of the special administrative board shall be authorized to  
21 appoint a superintendent of schools and contract for his or her  
22 services.

23 5. On a date set by the state board of education, any district  
24 operating under the governance of a special administrative board shall  
25 return to local governance, and continue operation as a school district  
26 as otherwise authorized by law.

162.204. Notwithstanding any provision of law to the contrary,  
2 a school district may fulfill its statutory responsibility to maintain  
3 permanent records by maintaining or storing such records in a digital  
4 or electronic format. A school district that maintains or stores records  
5 in a digital or electronic format shall follow all guidelines, suggestions,  
6 or recommendations set forth by the manufacturer of the digital or  
7 electronic storage media. A school district shall not use or maintain  
8 digital or electronic storage media beyond the manufacturer suggested  
9 or recommended period of time.

162.215. 1. The school board of a district with its administrative  
2 headquarters located within a home rule city with more than forty-  
3 eight thousand but fewer than forty-nine thousand inhabitants may  
4 authorize and commission school officers to enforce laws relating to  
5 crimes committed on school premises, at school activities, and on  
6 school buses operating within the school district only upon the  
7 execution of a memorandum of understanding with each municipal law  
8 enforcement agency and county sheriff's office which has law  
9 enforcement jurisdiction over the school district's premises and  
10 location of school activities, provided that the memorandum shall not

11 grant statewide arrest authority. School officers shall be licensed  
12 peace officers, as defined in section 590.010, RSMo, and shall comply  
13 with the provisions of chapter 590, RSMo. The powers and duties of a  
14 peace officer shall continue throughout the employee's tenure as a  
15 school officer.

16 2. School officers shall abide by district school board policies, all  
17 terms and conditions defined within the executed memorandum of  
18 understanding with each municipal law enforcement agency and county  
19 sheriff's office which has law enforcement jurisdiction over the school  
20 district's premises and location of school activities, and shall consult  
21 with and coordinate activities through the school superintendent or the  
22 superintendent's designee. School officers' authority shall be limited to  
23 crimes committed on school premises, at school activities, and on school  
24 buses operating within the jurisdiction of the executed memorandum of  
25 understanding. All crimes involving any sexual offense or any felony  
26 involving the threat or use of force shall remain under the authority of  
27 the local jurisdiction where the crime occurred. School officers may  
28 conduct any justified stop on school property and enforce any local  
29 violation that occurs on school grounds. School officers shall have the  
30 authority to stop, detain, and arrest for crimes committed on school  
31 property, at school activities, and on school buses.

162.431. 1. When it is necessary to change the boundary lines between  
2 seven-director school districts, in each district affected, ten percent of the voters  
3 by number of those voting for school board members in the last annual school  
4 election in each district may petition the district boards of education in the  
5 districts affected, regardless of county lines, for a change in boundaries. The  
6 question shall be submitted at the next election, as the term "election" is  
7 referenced and defined in section 115.123, RSMo.

8 2. The voters shall decide the question by a majority vote of those who vote  
9 upon the question. If assent to the change is given by each of the various districts  
10 voting, each voting separately, the boundaries are changed from that date.

11 3. If one of the districts votes against the change and the other votes for  
12 the change, the matter may be appealed to the state board of education, in writing,  
13 within fifteen days of the submission of the question by either one of the districts  
14 affected, or in the above event by a majority of the signers of the petition  
15 requesting a vote on the proposal. At the first meeting of the state board following

16 the appeal, a board of arbitration composed of three members, none of whom shall  
17 be a resident of any district affected, shall be appointed. In determining whether  
18 it is necessary to change the boundary line between seven-director districts, the  
19 board of arbitration shall base its decision upon the following:

20 (1) The presence of school-aged children in the affected area;

21 (2) The presence of actual educational harm to school-aged children, either  
22 due to a significant difference in the time involved in transporting students or  
23 educational deficiencies in the district which would have its boundary adversely  
24 affected; and

25 (3) The presence of an educational necessity, not of a commercial benefit  
26 to landowners or to the district benefitting for the proposed boundary adjustment.

27 **For purposes of subdivision (2) of this subsection, "significant difference**  
28 **in the time involved in transporting students" shall mean a difference**  
29 **of forty-five minutes or more per trip in travel time. "Travel time" is the**  
30 **period of time required to transport a pupil from the pupil's place of**  
31 **residence or other designated pickup point to the site of the pupil's**  
32 **educational placement.**

33 4. [If the potential receiving district obtained a score consistent with the  
34 criteria for classification of the district as accredited on its most recent annual  
35 performance report and the potential sending district obtained a score consistent  
36 with the criteria for classification of the district as unaccredited on its most recent  
37 annual performance report, the board shall approve the proposed boundary change  
38 for the educational well-being of the children enrolled in the potential sending  
39 district.

40 5.] Within twenty days after notification of appointment, the board of  
41 arbitration shall meet and consider the necessity for the proposed changes and  
42 shall decide whether the boundaries shall be changed as requested in the petition  
43 or be left unchanged, which decision shall be final. The decision by the board of  
44 arbitration shall be rendered not more than thirty days after the matter is  
45 referred to the board. The chairman of the board of arbitration shall transmit the  
46 decision to the secretary of each district affected who shall enter the same upon  
47 the records of his district and the boundaries shall thereafter be in accordance  
48 with the decision of the board of arbitration. The members of the board of  
49 arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the  
50 appeal is made by the district taking the appeal or by the petitioners should they  
51 institute the appeal.

52           [6.] 5. If the board of arbitration decides that the boundaries shall be left  
53 unchanged, no new petition for the same, or substantially the same, boundary  
54 change between the same districts shall be filed until after the expiration of two  
55 years from the date of the municipal election at which the question was submitted  
56 to the voters of the districts.

162.492. 1. In all urban districts containing the greater part of the  
2 population of a city which has more than three hundred thousand inhabitants the  
3 terms of the members of the board of directors in office in 1967 shall continue  
4 until the end of the respective terms to which each of them has been elected to  
5 office and in each case thereafter until the next school election be held and until  
6 their successors, then elected, are duly qualified as provided in this section.

7           2. In each urban district designated in subsection 1, the election authority  
8 of the city in which the greater portion of the school district lies, and of the county  
9 if the district includes territory not within the city limits, shall serve ex officio as  
10 a redistricting commission. The commission shall on or before November 1, 1969,  
11 divide the school district into six subdistricts, all subdistricts being of compact and  
12 contiguous territory and as nearly equal in the number of inhabitants as  
13 practicable and thereafter the board shall redistrict the district into subdivisions  
14 as soon as practicable after each United States decennial census. In establishing  
15 the subdistricts each member shall have one vote and a majority vote of the total  
16 membership of the commission is required to make effective any action of the  
17 commission.

18           3. School elections for the election of directors shall be held on municipal  
19 election days in each even-numbered year. At the election in 1970, one member  
20 of the board of directors shall be elected by the voters of each subdistrict. The  
21 seven candidates, one from each of the subdistricts, who receive a plurality of the  
22 votes cast by the voters of that subdistrict shall be elected and the at-large  
23 candidate receiving a plurality of the at-large votes shall be elected. In addition  
24 to other qualifications prescribed by law, each member elected from a subdistrict  
25 must be a resident of the subdistrict from which he is elected. The subdistricts  
26 shall be numbered from one to six and the directors elected from subdistricts one,  
27 three and five shall hold office for terms of two years and until their successors are  
28 elected and qualified, and the directors elected from subdistricts two, four and six  
29 shall hold office for terms of four years and until their successors are elected and  
30 qualified. Every two years thereafter a member of the board of directors shall be  
31 elected for a term of four years and until his successor is elected and qualified

32 from each of the three subdistricts having a member on the board of directors  
33 whose term expires in that year. Those members of the board of directors who  
34 were in office in 1967 shall, when their terms of office expire, be succeeded by the  
35 members of the board of directors elected from subdistricts. In addition to the  
36 directors elected by the voters of each subdistrict, additional directors shall be  
37 elected at large by the voters of the entire school district as follows: In 1970 one  
38 director at large shall be elected for a two-year term. In 1972 one director at large  
39 shall be elected for a four-year term. In 1974 two at-large directors shall be  
40 elected for a four-year term and thereafter in alternative elections one director  
41 shall be elected for a four-year term and then two directors shall be elected for a  
42 four-year term, so that from and after the 1970 election the board of directors not  
43 including those members who were in office in 1967 shall consist of seven members  
44 until the 1974 election and thereafter the board shall consist of nine members. In  
45 those years in which one at-large director is to be elected each voter may vote for  
46 one candidate and the candidate receiving a plurality of votes cast shall be elected.  
47 In those years in which two at-large directors are to be elected each voter may vote  
48 for two candidates and the two receiving the largest number of votes cast shall be  
49 elected.

50 4. The six candidates, one from each of the subdistricts, who receive a  
51 plurality of the votes cast by the voters of that subdistrict and the at-large  
52 candidates receiving a plurality of the at-large votes shall be elected. The name  
53 of no candidate for nomination shall be printed on the ballot unless the candidate  
54 has at least sixty days prior to the election filed a declaration of candidacy with  
55 the secretary of the board of directors containing the signatures of at least two  
56 hundred fifty registered voters who are residents of the subdistrict within which  
57 the candidate for nomination to a subdistrict office resides, and in case of at-large  
58 candidates the signatures of at least five hundred registered voters. The election  
59 authority shall determine the validity of all signatures on declarations of  
60 candidacy.

61 5. In any election either for at-large candidates or candidates elected by  
62 the voters of subdistricts, if there are more than two candidates, a majority of the  
63 votes are not required to elect but the candidate having a plurality of the votes if  
64 there is only one office to be filled and the candidates having the highest number  
65 of votes, if more than one office is to be filled, shall be elected.

66 6. The names of all candidates shall appear upon the ballot without party  
67 designation and in the order of the priority of the times of filing their petitions of

68 nomination. No candidate may file both at large and from a subdistrict and the  
69 names of all candidates shall appear only once on the ballot, nor may any  
70 candidate file more than one declaration of candidacy. All declarations shall  
71 designate the candidate's residence and whether the candidate is filing at large  
72 or from a subdistrict and the numerical designation of the subdistrict or at-large  
73 area.

74 7. The provisions of all sections relating to seven-director school districts  
75 shall also apply to and govern urban districts in cities of more than three hundred  
76 thousand inhabitants, to the extent applicable and not in conflict with the  
77 provisions of those sections specifically relating to such urban districts.

78 8. Vacancies which occur on the school board between the dates of election  
79 shall be filled by [majority vote of the remaining members of the school board to  
80 serve until the time of the next regular school board election. Subdistrict director  
81 vacancies shall be filled by appointment of a resident of the subdistrict in which  
82 the vacancy occurs] **special election if such vacancy happens more than six**  
83 **months prior to the time of holding a general municipal election, as**  
84 **provided in section 115.121, RSMo. The state board of education shall**  
85 **order a special election to fill such a vacancy. A letter from the**  
86 **commissioner of education, delivered by certified mail to the election**  
87 **authority or authorities that would normally conduct an election for**  
88 **school board members shall be the authority for the election authority**  
89 **or authorities to proceed with election procedures. If a vacancy occurs**  
90 **less than six months prior to the time of holding a general municipal**  
91 **election, no special election shall occur and the vacancy shall be filled**  
92 **at the next general municipal election.**

162.1168. 1. There is hereby established a pilot program within  
2 the Missouri preschool project to be known as the "Missouri Preschool  
3 Plus Grant Program", which shall serve up to one thousand two hundred  
4 fifty students with high quality early childhood educational services in  
5 order to improve school readiness outcomes. The program shall be  
6 administered by the department of elementary and secondary education  
7 in collaboration with the coordinating board for early  
8 childhood. Grants shall be awarded in this section for three years and  
9 shall be renewable. The program shall be funded through  
10 appropriations to the Missouri preschool plus grant program  
11 fund. Funds from the gaming commission fund created in section



12 313.835, RSMo, shall not be used to fund the program.

13 2. For purposes of this section, the following terms shall mean:

14 (1) "Department", the department of elementary and secondary  
15 education;

16 (2) "Program", the Missouri preschool plus grant program.

17 3. Grantees shall include the following:

18 (1) School districts classified as unaccredited by the state board  
19 of education; or

20 (2) Nonsectarian community-based organizations located within  
21 a school district classified as unaccredited by the state board of  
22 education.

23 4. If a school district becomes classified as provisionally  
24 accredited or accredited by the state board of education, the school  
25 district may complete the length of an existing grant and shall be  
26 eligible for one additional renewal for three years.

27 5. To receive a preschool placement under this section, a child  
28 shall be one or two years away from kindergarten entry.

29 6. The Missouri preschool plus grant program shall comply with  
30 the standards developed under section 161.213, RSMo. Public school  
31 grantees shall employ teachers with a bachelor's degree. Nonsectarian  
32 community-based organizations may employ teachers with at least an  
33 associate's degree provided such teachers demonstrate they are on the  
34 path to obtaining a bachelor's degree within five years.

35 7. Families with incomes less than one hundred thirty percent of  
36 the federal poverty guidelines shall receive free services through  
37 eligible grantees. Families with incomes at or above one hundred thirty  
38 percent of the federal poverty guidelines may be charged a co-pay on a  
39 sliding scale, as established by the department.

40 8. At least fifty percent of the preschool placements funded by the  
41 program shall be offered through nonsectarian community-based  
42 organizations.

43 9. The department shall develop standards for teacher-pupil  
44 ratios, classroom size, teacher training and educational attainment, and  
45 curriculum.

46 10. Grantees participating in the program shall give admission  
47 preference to dependents of active duty military personnel.

48 11. School districts in which such pilot programs exist shall

49 collect data about short-term and long-term student performance so that  
50 the program may be evaluated on quantitative measurements developed  
51 by the department. For purposes of this subsection, "long-term" shall  
52 mean from point of entry to graduation from high school.

53 12. Grantees shall coordinate preschool programs with the  
54 nearest parents as teachers site to ensure a continuum of care.

55 13. The department shall accept applications in a competitive bid  
56 process to begin implementation of the program for the 2010-2011 school  
57 year.

58 14. The department shall promulgate rules and regulations  
59 necessary to implement this section by January 1, 2010. Any rule or  
60 portion of a rule, as that term is defined in section 536.010, RSMo, that  
61 is created under the authority delegated in this section shall become  
62 effective only if it complies with and is subject to all of the provisions  
63 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
64 section and chapter 536, RSMo, are nonseverable and if any of the  
65 powers vested with the general assembly pursuant to chapter 536, RSMo,  
66 to review, to delay the effective date, or to disapprove and annul a rule  
67 are subsequently held unconstitutional, then the grant of rulemaking  
68 authority and any rule proposed or adopted after August 28, 2009, shall  
69 be invalid and void.

70 15. The grants awarded under this section are subject to  
71 appropriation.

72 16. There is hereby created in the state treasury the "Missouri  
73 Preschool Plus Grant Program Fund" which shall consist of general  
74 revenue appropriated to the program, funds received from the federal  
75 government, and voluntary contributions to support or match program  
76 activities. The state treasurer shall be custodian of the fund and may  
77 approve disbursements from the fund in accordance with sections 30.170  
78 and 30.180, RSMo. Upon appropriation, money in the fund shall be used  
79 solely for the administration of this section. Any moneys remaining in  
80 the fund at the end of the biennium shall revert to the credit of the  
81 general revenue fund. The state treasurer shall invest moneys in the  
82 fund in the same manner as other funds are invested. Any interest and  
83 moneys earned on such investments shall be credited to the fund.

84 17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

85 (1) The provisions of the new program authorized under this

86 section shall automatically sunset six years after the effective date of  
87 this section unless reauthorized by an act of the general assembly; and

88 (2) If such program is reauthorized, the program authorized  
89 under this section shall automatically sunset twelve years after the  
90 effective date of the reauthorization of this section; and

91 (3) This section shall terminate on September first of the calendar  
92 year immediately following the calendar year in which the program  
93 authorized under this section is sunset.

162.1250. 1. School districts shall receive state school funding  
2 under sections 163.031, 163.043, and 163.087, RSMo, for resident students  
3 who are enrolled in the school district and who are taking a virtual  
4 course or full-time virtual program offered by the school district. The  
5 school district may offer instruction in a virtual setting using  
6 technology, intranet, and Internet methods of communications that  
7 could take place outside of the regular school district facility. The  
8 school district may develop a virtual program for any grade level,  
9 kindergarten through twelfth grade, with the courses available in  
10 accordance with district policy to any resident student of the district  
11 who is enrolled in the school district. Nothing in this section shall  
12 preclude a private, parochial, or home school student residing within a  
13 school district offering virtual courses or virtual programs from  
14 enrolling in the school district in accordance with the combined  
15 enrollment provisions of section 167.031, RSMo, for the purposes of  
16 participating in the virtual courses or virtual programs.

17 2. Charter schools shall receive state school funding under  
18 section 160.415, RSMo, for students enrolled in the charter school who  
19 are completing a virtual course or full-time virtual program offered by  
20 the charter school. Charter schools may offer instruction in a virtual  
21 setting using technology, intranet, and Internet methods of  
22 communications. The charter school may develop a virtual program for  
23 any grade level, kindergarten through twelfth grade, with the courses  
24 available in accordance with school policy and the charter school's  
25 charter to any student enrolled in the charter school.

26 3. For purposes of calculation and distribution of state school  
27 funding, attendance of a student enrolled in a district or charter school  
28 virtual class shall equal, upon course completion, ninety-four percent of  
29 the hours of attendance possible for such class delivered in the non-

30 virtual program in the student's resident district or charter  
31 school. Course completion shall be calculated in two increments, fifty  
32 percent completion and one hundred percent completion, based on the  
33 student's completion of defined assignments and assessments, with  
34 distribution of state funding to a school district or charter school at  
35 each increment equal to forty-seven percent of hours of attendance  
36 possible for such course delivered in the non-virtual program in a  
37 student's school district of residence or charter school.

38 4. When courses are purchased from an outside vendor, the  
39 district or charter school shall ensure that they are aligned with the  
40 show-me curriculum standards and comply with state requirements for  
41 teacher certification. The state board of education reserves the right to  
42 request information and materials sufficient to evaluate the online  
43 course. Online classes should be considered like any other class offered  
44 by the school district or charter school.

45 5. Any school district or charter school that offers instruction in  
46 a virtual setting, develops a virtual course or courses, or develops a  
47 virtual program of instruction shall ensure that the following standards  
48 are satisfied:

49 (1) The virtual course or virtual program utilizes appropriate  
50 content-specific tools and software;

51 (2) Orientation training is available for teachers, instructors, and  
52 students as needed;

53 (3) Privacy policies are stated and made available to teachers,  
54 instructors, and students;

55 (4) Academic integrity and Internet etiquette expectations  
56 regarding lesson activities, discussions, electronic communications, and  
57 plagiarism are stated to teachers, instructors, and students prior to the  
58 beginning of the virtual course or virtual program;

59 (5) Computer system requirements, including hardware, web  
60 browser, and software, are specified to participants;

61 (6) The virtual course or virtual program architecture, software,  
62 and hardware permit the online teacher or instructor to add content,  
63 activities, and assessments to extend learning opportunities;

64 (7) The virtual course or virtual program makes resources  
65 available by alternative means, including but not limited to, video and  
66 podcasts;

67           **(8) Resources and notes are available for teachers and instructors**  
68 **in addition to assessment and assignment answers and explanations;**

69           **(9) Technical support and course management are available to the**  
70 **virtual course or virtual program teacher and school coordinator;**

71           **(10) The virtual course or virtual program includes assignments,**  
72 **projects, and assessments that are aligned with students' different**  
73 **visual, auditory, and hands-on learning styles;**

74           **(11) The virtual course or virtual program demonstrates the**  
75 **ability to effectively use and incorporate subject-specific and**  
76 **developmentally appropriate software in an online learning module; and**

77           **(12) The virtual course or virtual program arranges media and**  
78 **content to help transfer knowledge most effectively in the online**  
79 **environment.**

80           **6. Any special school district shall count any student's completion**  
81 **of a virtual course or program in the same manner as the district counts**  
82 **completion of any other course or program for credit.**

83           **7. A school district or charter school may contract with multiple**  
84 **providers of virtual courses or virtual programs, provided they meet the**  
85 **criteria for virtual courses or virtual programs under this section.**

163.011. As used in this chapter unless the context requires otherwise:

2           (1) "Adjusted operating levy", the sum of tax rates for the current year for  
3 teachers' and incidental funds for a school district as reported to the proper officer  
4 of each county pursuant to section 164.011, RSMo;

5           (2) "Average daily attendance", the quotient or the sum of the quotients  
6 obtained by dividing the total number of hours attended in a term by resident  
7 pupils between the ages of five and twenty-one by the actual number of hours  
8 school was in session in that term. To the average daily attendance of the  
9 following school term shall be added the full-time equivalent average daily  
10 attendance of summer school students. "Full-time equivalent average daily  
11 attendance of summer school students" shall be computed by dividing the total  
12 number of hours, except for physical education hours that do not count as credit  
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended  
14 by all summer school pupils by the number of hours required in section 160.011,  
15 RSMo, in the school term. For purposes of determining average daily attendance  
16 under this subdivision, the term "resident pupil" shall include all children between  
17 the ages of five and twenty-one who are residents of the school district and who

18 are attending kindergarten through grade twelve in such district. If a child is  
19 attending school in a district other than the district of residence and the child's  
20 parent is teaching in the school district or is a regular employee of the school  
21 district which the child is attending, then such child shall be considered a resident  
22 pupil of the school district which the child is attending for such period of time  
23 when the district of residence is not otherwise liable for tuition. Average daily  
24 attendance for students below the age of five years for which a school district may  
25 receive state aid based on such attendance shall be computed as regular school  
26 term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"  
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all  
30 expenditures for instruction and support services except capital outlay and debt  
31 service expenditures minus the revenue from federal categorical sources; food  
32 service; student activities; categorical payments for transportation costs pursuant  
33 to section 163.161; state reimbursements for early childhood special education; the  
34 career ladder entitlement for the district, as provided for in sections 168.500 to  
35 168.515, RSMo; the vocational education entitlement for the district, as provided  
36 for in section 167.332, RSMo; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating  
38 expenditures shall be the amount in paragraph (a) **of this subdivision** plus any  
39 increases in state funding pursuant to sections 163.031 and 163.043 subsequent  
40 to fiscal year 2005, not to exceed five percent, per recalculation, of the state  
41 revenue received by a district in the 2004-05 school year from the foundation  
42 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and  
43 free textbook payments for any district from the first preceding calculation of the  
44 state adequacy target. **Beginning on July 1, 2010, current operating**  
45 **expenditures shall be the amount in paragraph (a) of this subdivision**  
46 **plus any increases in state funding pursuant to sections 163.031 and**  
47 **163.043 subsequent to fiscal year 2005 received by a district in the**  
48 **2004-05 school year from the foundation formula, line 14, gifted,**  
49 **remedial reading, exceptional pupil aid, fair share, and free textbook**  
50 **payments for any district from the first preceding calculation of the**  
51 **state adequacy target;**

52 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect  
53 subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling

54 shall not contain any tax levy for debt service;

55 (5) "Dollar-value modifier", an index of the relative purchasing power of a  
56 dollar, calculated as one plus fifteen percent of the difference of the regional wage  
57 ratio minus one, provided that the dollar value modifier shall not be applied at a  
58 rate less than 1.0:

59 (a) "County wage per job", the total county wage and salary disbursements  
60 divided by the total county wage and salary employment for each county and the  
61 city of St. Louis as reported by the Bureau of Economic Analysis of the United  
62 States Department of Commerce for the fourth year preceding the payment year;

63 (b) "Regional wage per job":

64 a. The total Missouri wage and salary disbursements of the metropolitan  
65 area as defined by the Office of Management and Budget divided by the total  
66 Missouri metropolitan wage and salary employment for the metropolitan area for  
67 the county signified in the school district number or the city of St. Louis, as  
68 reported by the Bureau of Economic Analysis of the United States Department of  
69 Commerce for the fourth year preceding the payment year and recalculated upon  
70 every decennial census to incorporate counties that are newly added to the  
71 description of metropolitan areas; or if no such metropolitan area is established,  
72 then:

73 b. The total Missouri wage and salary disbursements of the micropolitan  
74 area as defined by the Office of Management and Budget divided by the total  
75 Missouri micropolitan wage and salary employment for the micropolitan area for  
76 the county signified in the school district number, as reported by the Bureau of  
77 Economic Analysis of the United States Department of Commerce for the fourth  
78 year preceding the payment year, if a micropolitan area for such county has been  
79 established and recalculated upon every decennial census to incorporate counties  
80 that are newly added to the description of micropolitan areas; or

81 c. If a county is not part of a metropolitan or micropolitan area as  
82 established by the Office of Management and Budget, then the county wage per  
83 job, as defined in paragraph (a) of this subdivision, shall be used for the school  
84 district, as signified by the school district number;

85 (c) "Regional wage ratio", the ratio of the regional wage per job divided by  
86 the state median wage per job;

87 (d) "State median wage per job", the fifty-eighth highest county wage per  
88 job;

89 (6) "Free and reduced lunch pupil count", the number of pupils eligible for

90 free and reduced lunch on the last Wednesday in January for the preceding school  
91 year who were enrolled as students of the district, as approved by the department  
92 in accordance with applicable federal regulations;

93 (7) "Free and reduced lunch threshold" shall be calculated by dividing the  
94 total free and reduced lunch pupil count of every performance district that falls  
95 entirely above the bottom five percent and entirely below the top five percent of  
96 average daily attendance, when such districts are rank-ordered based on their  
97 current operating expenditures per average daily attendance, by the total average  
98 daily attendance of all included performance districts;

99 (8) "Limited English proficiency pupil count", the number in the preceding  
100 school year of pupils aged three through twenty-one enrolled or preparing to enroll  
101 in an elementary school or secondary school who were not born in the United  
102 States or whose native language is a language other than English or are Native  
103 American or Alaskan native, or a native resident of the outlying areas, and come  
104 from an environment where a language other than English has had a significant  
105 impact on such individuals' level of English language proficiency, or are migratory,  
106 whose native language is a language other than English, and who come from an  
107 environment where a language other than English is dominant; and have  
108 difficulties in speaking, reading, writing, or understanding the English language  
109 sufficient to deny such individuals the ability to meet the state's proficient level  
110 of achievement on state assessments described in Public Law 107-10, the ability  
111 to achieve successfully in classrooms where the language of instruction is English,  
112 or the opportunity to participate fully in society;

113 (9) "Limited English proficiency threshold" shall be calculated by dividing  
114 the total limited English proficiency pupil count of every performance district that  
115 falls entirely above the bottom five percent and entirely below the top five percent  
116 of average daily attendance, when such districts are rank-ordered based on their  
117 current operating expenditures per average daily attendance, by the total average  
118 daily attendance of all included performance districts;

119 (10) "Local effort":

120 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as  
121 the equalized assessed valuation of the property of a school district in calendar  
122 year 2004 divided by one hundred and multiplied by the performance levy less the  
123 percentage retained by the county assessor and collector plus one hundred percent  
124 of the amount received in fiscal year 2005 for school purposes from intangible  
125 taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed



126 railroad and utility tax, one hundred percent of the amount received for school  
127 purposes pursuant to the merchants' and manufacturers' taxes under sections  
128 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school  
129 purposes from federal properties under sections 12.070 and 12.080, RSMo, except  
130 when such amounts are used in the calculation of federal impact aid pursuant to  
131 P.L. 81-874, fifty percent of Proposition C revenues received for school purposes  
132 from the school district trust fund under section 163.087, and one hundred percent  
133 of any local earnings or income taxes received by the district for school  
134 purposes. Under this paragraph, for a special district established under sections  
135 162.815 to 162.940, RSMo, in a county with a charter form of government and with  
136 more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the  
137 performance levy for the special school district;

138 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the  
139 amount calculated under paragraph (a) of this subdivision plus any increase in the  
140 amount received for school purposes from fines. If a district's assessed valuation  
141 has decreased subsequent to the calculation outlined in paragraph (a) of this  
142 subdivision, the district's local effort shall be calculated using the district's current  
143 assessed valuation in lieu of the assessed valuation utilized in **the** calculation  
144 outlined in paragraph (a) of this subdivision;

145 (11) "Membership" shall be the average of:

146 (a) The number of resident full-time students and the full-time equivalent  
147 number of part-time students who were enrolled in the public schools of the  
148 district on the last Wednesday in September of the previous year and who were  
149 in attendance one day or more during the preceding ten school days; and

150 (b) The number of resident full-time students and the full-time equivalent  
151 number of part-time students who were enrolled in the public schools of the  
152 district on the last Wednesday in January of the previous year and who were in  
153 attendance one day or more during the preceding ten school days, plus the  
154 full-time equivalent number of summer school pupils. "Full-time equivalent  
155 number of part-time students" is determined by dividing the total number of hours  
156 for which all part-time students are enrolled by the number of hours in the school  
157 term. "Full-time equivalent number of summer school pupils" is determined by  
158 dividing the total number of hours for which all summer school pupils were  
159 enrolled by the number of hours required pursuant to section 160.011, RSMo, in  
160 the school term. Only students eligible to be counted for average daily attendance  
161 shall be counted for membership;

162 (12) "Operating levy for school purposes", the sum of tax rates levied for  
163 teachers' and incidental funds plus the operating levy or sales tax equivalent  
164 pursuant to section 162.1100, RSMo, of any transitional school district containing  
165 the school district, in the payment year, not including any equalized operating levy  
166 for school purposes levied by a special school district in which the district is  
167 located;

168 (13) "Performance district", any district that has met all performance  
169 standards and indicators as established by the department of elementary and  
170 secondary education for purposes of accreditation under section 161.092, RSMo,  
171 and as reported on the final annual performance report for that district each year;

172 (14) "Performance levy", three dollars and forty-three cents;

173 (15) "School purposes" pertains to teachers' and incidental funds;

174 (16) "Special education pupil count", the number of public school students  
175 with a current individualized education program **or services plan** and receiving  
176 services from the resident district as of December first of the preceding school  
177 year, except for special education services provided through a school district  
178 established under sections 162.815 to 162.940, RSMo, in a county with a charter  
179 form of government and with more than one million inhabitants, in which case the  
180 sum of the students in each district within the county exceeding the special  
181 education threshold of each respective district within the county shall be counted  
182 within the special district and not in the district of residence for purposes of  
183 distributing the state aid derived from the special education pupil count;

184 (17) "Special education threshold" shall be calculated by dividing the total  
185 special education pupil count of every performance district that falls entirely above  
186 the bottom five percent and entirely below the top five percent of average daily  
187 attendance, when such districts are rank-ordered based on their current operating  
188 expenditures per average daily attendance, by the total average daily attendance  
189 of all included performance districts;

190 (18) "State adequacy target", the sum of the current operating expenditures  
191 of every performance district that falls entirely above the bottom five percent and  
192 entirely below the top five percent of average daily attendance, when such districts  
193 are rank-ordered based on their current operating expenditures per average daily  
194 attendance, divided by the total average daily attendance of all included  
195 performance districts [plus the total amount of funds placed in the schools first  
196 elementary and secondary education improvement fund in the preceding fiscal  
197 year divided by the total average daily attendance of all school districts for the

198 preceding fiscal year]. The department of elementary and secondary education  
199 shall first calculate the state adequacy target for fiscal year 2007 and recalculate  
200 the state adequacy target every two years using the most current available data[;  
201 provided that the state adequacy target shall be recalculated every year to reflect  
202 the per-pupil amount of funds placed in the schools first elementary and secondary  
203 education improvement fund in the preceding fiscal year]. The recalculation shall  
204 never result in a decrease from the previous state adequacy target  
205 amount. Should a recalculation result in an increase in the state adequacy target  
206 amount, fifty percent of that increase shall be included in the state adequacy  
207 target amount in the year of recalculation, and fifty percent of that increase shall  
208 be included in the state adequacy target amount in the subsequent year. The  
209 state adequacy target may be adjusted to accommodate available appropriations;

210 (19) "Teacher", any teacher, teacher-secretary, substitute teacher,  
211 supervisor, principal, supervising principal, superintendent or assistant  
212 superintendent, school nurse, social worker, counselor or librarian who shall,  
213 regularly, teach or be employed for no higher than grade twelve more than  
214 one-half time in the public schools and who is certified under the laws governing  
215 the certification of teachers in Missouri;

216 (20) "Weighted average daily attendance", the average daily attendance  
217 plus the product of twenty-five hundredths multiplied by the free and reduced  
218 lunch pupil count that exceeds the free and reduced lunch threshold, plus the  
219 product of seventy-five hundredths multiplied by the number of special education  
220 pupil count that exceeds the special education threshold, [and] plus the product  
221 of six-tenths multiplied by the number of limited English proficiency pupil count  
222 that exceeds the limited English proficiency threshold. For special districts  
223 established under sections 162.815 to 162.940, RSMo, in a county with a charter  
224 form of government and with more than one million inhabitants, weighted average  
225 daily attendance shall be the average daily attendance plus the product of  
226 twenty-five hundredths multiplied by the free and reduced lunch pupil count that  
227 exceeds the free and reduced lunch threshold, plus the product of seventy-five  
228 hundredths multiplied by the sum of the special education pupil count that  
229 exceeds the threshold for each county district, plus the product of six-tenths  
230 multiplied by the limited English proficiency pupil count that exceeds the limited  
231 English proficiency threshold. None of the districts comprising a special district  
232 established under sections 162.815 to 162.940, RSMo, in a county with a charter  
233 form of government and with more than one million inhabitants, shall use any

234 special education pupil count in calculating their weighted average daily  
235 attendance.

163.031. 1. The department of elementary and secondary education shall  
2 calculate and distribute to each school district qualified to receive state aid under  
3 section 163.021 an amount determined by multiplying the district's weighted  
4 average daily attendance by the state adequacy target, multiplying this product  
5 by the dollar value modifier for the district, and subtracting from this product the  
6 district's local effort and, in years not governed under subsection 4 of this section,  
7 subtracting payments from the classroom trust fund under section 163.043.

8 2. Other provisions of law to the contrary notwithstanding:

9 (1) For districts with an average daily attendance of more than three  
10 hundred fifty in the school year preceding the payment year:

11 (a) For the 2006-07 school year, the state revenue per weighted average  
12 daily attendance received by a district from the state aid calculation under  
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund  
14 under section 163.043 shall not be less than the state revenue received by a  
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,  
16 remedial reading, exceptional pupil aid, fair share, and free textbook payment  
17 amounts multiplied by the sum of one plus the product of one-third multiplied by  
18 the remainder of the dollar value modifier minus one, and dividing this product  
19 by the weighted average daily attendance computed for the 2005-06 school year;

20 (b) For the 2007-08 school year, the state revenue per weighted average  
21 daily attendance received by a district from the state aid calculation under  
22 subsections 1 and 4 of this section, as applicable, and the classroom trust fund  
23 under section 163.043 shall not be less than the state revenue received by a  
24 district in the 2005-06 school year from the foundation formula, line 14, gifted,  
25 remedial reading, exceptional pupil aid, fair share, and free textbook payment  
26 amounts multiplied by the sum of one plus the product of two-thirds multiplied by  
27 the remainder of the dollar value modifier minus one, and dividing this product  
28 by the weighted average daily attendance computed for the 2005-06 school year;

29 (c) For the 2008-09 school year, the state revenue per weighted average  
30 daily attendance received by a district from the state aid calculation under  
31 subsections 1 and 4 of this section, as applicable, and the classroom trust fund  
32 under section 163.043 shall not be less than the state revenue received by a  
33 district in the 2005-06 school year from the foundation formula, line 14, gifted,  
34 remedial reading, exceptional pupil aid, fair share, and free textbook payment

35 amounts multiplied by the dollar value modifier, and dividing this product by the  
36 weighted average daily attendance computed for the 2005-06 school year;

37 (d) For each year subsequent to the 2008-09 school year, the amount shall  
38 be no less than that computed in paragraph (c) of this subdivision, multiplied by  
39 the weighted average daily attendance pursuant to section 163.036, less any  
40 increase in revenue received from the classroom trust fund under section 163.043;

41 (2) For districts with an average daily attendance of three hundred fifty  
42 or less in the school year preceding the payment year:

43 (a) For the 2006-07 school year, the state revenue received by a district  
44 from the state aid calculation under subsections 1 and 4 of this section, as  
45 applicable, and the classroom trust fund under section 163.043 shall not be less  
46 than the greater of state revenue received by a district in the 2004-05 or 2005-06  
47 school year from the foundation formula, line 14, gifted, remedial reading,  
48 exceptional pupil aid, fair share, and free textbook payment amounts multiplied  
49 by the sum of one plus the product of one-third multiplied by the remainder of the  
50 dollar value modifier minus one;

51 (b) For the 2007-08 school year, the state revenue received by a district  
52 from the state aid calculation under subsections 1 and 4 of this section, as  
53 applicable, and the classroom trust fund under section 163.043 shall not be less  
54 than the greater of state revenue received by a district in the 2004-05 or 2005-06  
55 school year from the foundation formula, line 14, gifted, remedial reading,  
56 exceptional pupil aid, fair share, and free textbook payment amounts multiplied  
57 by the sum of one plus the product of two-thirds multiplied by the remainder of  
58 the dollar value modifier minus one;

59 (c) For the 2008-09 school year, the state revenue received by a district  
60 from the state aid calculation under subsections 1 and 4 of this section, as  
61 applicable, and the classroom trust fund under section 163.043 shall not be less  
62 than the greater of state revenue received by a district in the 2004-05 or 2005-06  
63 school year from the foundation formula, line 14, gifted, remedial reading,  
64 exceptional pupil aid, fair share, and free textbook payment amounts multiplied  
65 by the dollar value modifier;

66 (d) For each year subsequent to the 2008-09 school year, the amount shall  
67 be no less than that computed in paragraph (c) of this subdivision;

68 (3) The department of elementary and secondary education shall make an  
69 addition in the payment amount specified in subsection 1 of this section to assure  
70 compliance with the provisions contained in this subsection.

71           3. School districts that meet the requirements of section 163.021 shall  
72 receive categorical add-on revenue as provided in this subsection. The categorical  
73 add-on for the district shall be the sum of: seventy-five percent of the district  
74 allowable transportation costs under section 163.161; the career ladder entitlement  
75 for the district, as provided for in sections 168.500 to 168.515, RSMo; the  
76 vocational education entitlement for the district, as provided for in section  
77 167.332, RSMo; and the district educational and screening program entitlements  
78 as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on  
79 revenue amounts may be adjusted to accommodate available appropriations.

80           4. In the 2006-07 school year and each school year thereafter for five years,  
81 those districts entitled to receive state aid under the provisions of subsection 1 of  
82 this section shall receive state aid in an amount as provided in this subsection.

83           (1) For the 2006-07 school year, the amount shall be fifteen percent of the  
84 amount of state aid calculated for the district for the 2006-07 school year under  
85 the provisions of subsection 1 of this section, plus eighty-five percent of the total  
86 amount of state revenue received by the district for the 2005-06 school year from  
87 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,  
88 fair share, and free textbook payments less any amounts received under section  
89 163.043.

90           (2) For the 2007-08 school year, the amount shall be thirty percent of the  
91 amount of state aid calculated for the district for the 2007-08 school year under  
92 the provisions of subsection 1 of this section, plus seventy percent of the total  
93 amount of state revenue received by the district for the 2005-06 school year from  
94 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,  
95 fair share, and free textbook payments less any amounts received under section  
96 163.043.

97           (3) For the 2008-09 school year, the amount of state aid shall be forty-four  
98 percent of the amount of state aid calculated for the district for the 2008-09 school  
99 year under the provisions of subsection 1 of this section plus fifty-six percent of  
100 the total amount of state revenue received by the district for the 2005-06 school  
101 year from the foundation formula, line 14, gifted, remedial reading, exceptional  
102 pupil aid, fair share, and free textbook payments less any amounts received under  
103 section 163.043.

104           (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight  
105 percent of the amount of state aid calculated for the district for the 2009-10 school  
106 year under the provisions of subsection 1 of this section plus forty-two percent of

107 the total amount of state revenue received by the district for the 2005-06 school  
108 year from the foundation formula, line 14, gifted, remedial reading, exceptional  
109 pupil aid, fair share, and free textbook payments less any amounts received under  
110 section 163.043.

111 (5) For the 2010-11 school year, the amount of state aid shall be  
112 seventy-two percent of the amount of state aid calculated for the district for the  
113 2010-11 school year under the provisions of subsection 1 of this section plus  
114 twenty-eight percent of the total amount of state revenue received by the district  
115 for the 2005-06 school year from the foundation formula, line 14, gifted, remedial  
116 reading, exceptional pupil aid, fair share, and free textbook payments less any  
117 amounts received under section 163.043.

118 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six  
119 percent of the amount of state aid calculated for the district for the 2011-12 school  
120 year under the provisions of subsection 1 of this section plus fourteen percent of  
121 the total amount of state revenue received by the district for the 2005-06 school  
122 year from the foundation formula, line 14, gifted, remedial reading, exceptional  
123 pupil aid, fair share, and free textbook payments less any amounts received under  
124 section 163.043.

125 (7) (a) Notwithstanding subdivision (18) of section 163.011, the state  
126 adequacy target may not be adjusted downward to accommodate available  
127 appropriations in any year governed by this subsection.

128 (b) a. For the 2006-07 school year, if a school district experiences a  
129 decrease in summer school average daily attendance of more than twenty percent  
130 from the district's 2005-06 summer school average daily attendance, an amount  
131 equal to the product of the percent reduction that is in excess of twenty percent  
132 of the district's summer school average daily attendance multiplied by the funds  
133 generated by the district's summer school program in the 2005-06 school year shall  
134 be subtracted from the district's current year payment amount.

135 b. For the 2007-08 school year, if a school district experiences a decrease  
136 in summer school average daily attendance of more than thirty percent from the  
137 district's 2005-06 summer school average daily attendance, an amount equal to the  
138 product of the percent reduction that is in excess of thirty percent of the district's  
139 summer school average daily attendance multiplied by the funds generated by the  
140 district's summer school program in the 2005-06 school year shall be subtracted  
141 from the district's payment amount.

142 c. For the 2008-09 school year [through the 2011-12 school year], if a

143 school district experiences a decrease in summer school average daily attendance  
144 of more than thirty-five percent from the district's 2005-06 summer school average  
145 daily attendance, an amount equal to the product of the percent reduction that is  
146 in excess of thirty-five percent of the district's summer school average daily  
147 attendance multiplied by the funds generated by the district's summer school  
148 program in the 2005-06 school year shall be subtracted from the district's payment  
149 amount.

150 d. Notwithstanding the provisions of this paragraph, no such reduction  
151 shall be made in the case of a district that is receiving a payment under section  
152 163.044 or any district whose regular school term average daily attendance for the  
153 preceding year was three hundred fifty or less.

154 e. This paragraph shall not be construed to permit any reduction applied  
155 under this paragraph to result in any district receiving a current-year payment  
156 that is less than the amount calculated for such district under subsection 2 of this  
157 section.

158 (c) If a school district experiences a decrease in its gifted program  
159 enrollment of more than twenty percent from its 2005-06 gifted program  
160 enrollment in any year governed by this subsection, an amount equal to the  
161 product of the percent reduction in the district's gifted program enrollment  
162 multiplied by the funds generated by the district's gifted program in the 2005-06  
163 school year shall be subtracted from the district's current year payment amount.

164 5. For any school district meeting the eligibility criteria for state aid as  
165 established in section 163.021, but which is considered an option district under  
166 section 163.042 and therefore receives no state aid, the commissioner of education  
167 shall present a plan to the superintendent of the school district for the waiver of  
168 rules and the duration of said waivers, in order to promote flexibility in the  
169 operations of the district and to enhance and encourage efficiency in the delivery  
170 of instructional services as provided in section 163.042.

171 6. (1) No less than seventy-five percent of the state revenue received  
172 under the provisions of subsections 1, 2, and 4 of this section shall be placed in the  
173 teachers' fund, and the remaining percent of such moneys shall be placed in the  
174 incidental fund. No less than seventy-five percent of one-half of the funds received  
175 from the school district trust fund distributed under section 163.087 shall be  
176 placed in the teachers' fund. One hundred percent of revenue received under the  
177 provisions of section 163.161 shall be placed in the incidental fund. One hundred  
178 percent of revenue received under the provisions of sections 168.500 to 168.515,



179 RSMo, shall be placed in the teachers' fund.

180 (2) A school district shall spend for certificated compensation and tuition  
181 expenditures each year:

182 (a) An amount equal to at least seventy-five percent of the state revenue  
183 received under the provisions of subsections 1, 2, and 4 of this section;

184 (b) An amount equal to at least seventy-five percent of one-half of the  
185 funds received from the school district trust fund distributed under section  
186 163.087 during the preceding school year; and

187 (c) Beginning in fiscal year 2008, as much as was spent per the second  
188 preceding year's weighted average daily attendance for certificated compensation  
189 and tuition expenditures the previous year from revenue produced by local and  
190 county tax sources in the teachers' fund, plus the amount of the incidental fund  
191 to teachers' fund transfer calculated to be local and county tax sources by dividing  
192 local and county tax sources in the incidental fund by total revenue in the  
193 incidental fund. In the event a district fails to comply with this provision, the  
194 amount by which the district fails to spend funds as provided herein shall be  
195 deducted from the district's state revenue received under the provisions of  
196 subsections 1, 2, and 4 of this section for the following year, provided that the  
197 state board of education may exempt a school district from this provision if the  
198 state board of education determines that circumstances warrant such exemption.

199 7. If a school district's annual audit discloses that students were  
200 inappropriately identified as eligible for free and reduced lunch, special education,  
201 or limited English proficiency and the district does not resolve the audit finding,  
202 the department of elementary and secondary education shall require that the  
203 amount of aid paid pursuant to the weighting for free and reduced lunch, special  
204 education, or limited English proficiency in the weighted average daily attendance  
205 on the inappropriately identified pupils be repaid by the district in the next school  
206 year and shall additionally impose a penalty of one hundred percent of such aid  
207 paid on such pupils, which penalty shall also be paid within the next school  
208 year. Such amounts may be repaid by the district through the withholding of the  
209 amount of state aid.

163.043. 1. For fiscal year 2007 and each subsequent fiscal year, the  
2 "Classroom Trust Fund", which is hereby created in the state treasury, shall be  
3 distributed by the state board of education to each school district in this state  
4 qualified to receive state aid pursuant to section 163.021 on an average daily  
5 attendance basis.

6           2. The moneys distributed pursuant to this section shall be spent at the  
7 discretion of the local school district. The moneys may be used by the district for:

- 8           (1) Teacher recruitment, retention, salaries, or professional development;  
9           (2) School construction, renovation, or leasing;  
10          (3) Technology enhancements or textbooks or instructional materials;  
11          (4) School safety; or  
12          (5) Supplying additional funding for required programs, both state and  
13 federal.

14          3. The classroom trust fund shall consist of all moneys transferred to it  
15 under section 160.534, RSMo, all moneys otherwise appropriated or donated to it,  
16 and, notwithstanding any other provision of law to the contrary, all unclaimed  
17 lottery prize money.

18          4. The provisions of this section shall not apply to any option district as  
19 defined in section 163.042.

20          **5. For the 2010-2011 school year and for each subsequent year, all**  
21 **proceeds a school district receives from the classroom trust fund in**  
22 **excess of the amount the district received from the classroom trust fund**  
23 **in the 2009-2010 school year shall be placed to the credit of the district's**  
24 **teachers' and incidental funds.**

**163.095. For any district in the county with a charter form of**  
2 **government and with more than one million inhabitants that in calendar**  
3 **year 2005 (school year 2005-2006) erroneously set a levy in the capital**  
4 **projects fund rather than the incidental fund and reported the capital**  
5 **projects amount to the county for which the county issued tax notices**  
6 **and the district received taxes for calendar year 2005, the department**  
7 **of elementary and secondary education shall calculate the amount the**  
8 **district would have received in state school aid for fiscal year 2006 had**  
9 **the district placed the levy in the incidental fund rather than the capital**  
10 **projects fund and use this revised 2005-2006 calculated funding amount**  
11 **in the distribution of state school aid for fiscal year 2007 and**  
12 **subsequent years. The sum of the amounts due to the school district in**  
13 **state school aid after recalculation for fiscal years 2007, 2008, 2009, and**  
14 **2010, shall be divided and distributed to the school district in equal**  
15 **amounts in fiscal years 2010, 2011, 2012, and 2013. The calculation shall**  
16 **not change the actual funding due the district for the 2005-2006 school**  
17 **year.**

167.018. 1. Sections 167.018 and 167.019 shall be known and may  
2 be cited as the "Foster Care Education Bill of Rights".

3 2. Each school district shall designate a staff person as the  
4 educational liaison for foster care children. The liaison shall do all of  
5 the following in an advisory capacity:

6 (1) Ensure and facilitate the proper educational placement,  
7 enrollment in school, and checkout from school of foster children;

8 (2) Assist foster care pupils when transferring from one school to  
9 another or from one school district to another, by ensuring proper  
10 transfer of credits, records, and grades;

11 (3) Request school records, as provided in section 167.022, within  
12 two business days of placement of a foster care pupil in a school; and

13 (4) Submit school records of foster care pupils within three  
14 business days of receiving a request for school records, under  
15 subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section  
2 210.481, RSMo, shall promote educational stability for foster care  
3 children by considering the child's school attendance area when making  
4 placement decisions. The foster care pupil shall have the right to  
5 remain enrolled in and attend his or her school of origin or to return to  
6 a previously attended school in an adjacent district.

7 2. Each school district shall accept for credit full or partial  
8 course work satisfactorily completed by a pupil while attending a public  
9 school, nonpublic school, or nonsectarian school in accordance with  
10 district policies or regulations.

11 3. If a pupil completes the graduation requirements of his or her  
12 school district of residence while under the jurisdiction of the juvenile  
13 court as described in chapter 211, RSMo, the school district of residence  
14 shall issue a diploma to the pupil.

15 4. School districts shall ensure that if a pupil in foster care is  
16 absent from school due to a decision to change the placement of a pupil  
17 made by a court or child placing agency, or due to a verified court  
18 appearance or related court-ordered activity, the grades and credits of  
19 the pupil shall be calculated as of the date the pupil left school, and no  
20 lowering of his or her grades shall occur as a result of the absence of  
21 the pupil under these circumstances.

22 5. School districts, subject to federal law, shall be authorized to

23 **permit access of pupil school records to any child placing agency for the**  
24 **purpose of fulfilling educational case management responsibilities**  
25 **required by the juvenile officer or by law and to assist with the school**  
26 **transfer or placement of a pupil.**

27 **6. Any rule or portion of a rule, as that term is defined in section**  
28 **536.010, RSMo, that is created under the authority delegated in this**  
29 **section shall become effective only if it complies with and is subject to**  
30 **all of the provisions of chapter 536, RSMo, and, if applicable, section**  
31 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
32 **and if any of the powers vested with the general assembly pursuant to**  
33 **chapter 536, RSMo, to review, to delay the effective date, or to**  
34 **disapprove and annul a rule are subsequently held unconstitutional,**  
35 **then the grant of rulemaking authority and any rule proposed or**  
36 **adopted after August 28, 2009, shall be invalid and void.**

167.031. 1. Every parent, guardian or other person in this state having  
2 charge, control or custody of a child not enrolled in a public, private, parochial,  
3 parish school or full-time equivalent attendance in a combination of such schools  
4 and between the ages of seven years and the compulsory attendance age for the  
5 district is responsible for enrolling the child in a program of academic instruction  
6 which complies with subsection 2 of this section. Any parent, guardian or other  
7 person who enrolls a child between the ages of five and seven years in a public  
8 school program of academic instruction shall cause such child to attend the  
9 academic program on a regular basis, according to this section. Nonattendance by  
10 such child shall cause such parent, guardian or other responsible person to be in  
11 violation of the provisions of section 167.061, except as provided by this section.  
12 A parent, guardian or other person in this state having charge, control, or custody  
13 of a child between the ages of seven years of age and the compulsory attendance  
14 age for the district shall cause the child to attend regularly some public, private,  
15 parochial, parish, home school or a combination of such schools not less than the  
16 entire school term of the school which the child attends; except that:

17 (1) A child who, to the satisfaction of the superintendent of public schools  
18 of the district in which he resides, or if there is no superintendent then the chief  
19 school officer, is determined to be mentally or physically incapacitated may be  
20 excused from attendance at school for the full time required, or any part thereof;

21 (2) A child between fourteen years of age and the compulsory attendance  
22 age for the district may be excused from attendance at school for the full time

23 required, or any part thereof, by the superintendent of public schools of the  
24 district, or if there is none then by a court of competent jurisdiction, when legal  
25 employment has been obtained by the child and found to be desirable, and after  
26 the parents or guardian of the child have been advised of the pending action; or

27 (3) A child between five and seven years of age shall be excused from  
28 attendance at school if a parent, guardian or other person having charge, control  
29 or custody of the child makes a written request that the child be dropped from the  
30 school's rolls.

31 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school,  
32 whether incorporated or unincorporated, that:

33 (a) Has as its primary purpose the provision of private or religious-based  
34 instruction;

35 (b) Enrolls pupils between the ages of seven years and the compulsory  
36 attendance age for the district, of which no more than four are unrelated by  
37 affinity or consanguinity in the third degree; and

38 (c) Does not charge or receive consideration in the form of tuition, fees, or  
39 other remuneration in a genuine and fair exchange for provision of instruction.

40 (2) As evidence that a child is receiving regular instruction, the parent  
41 shall, except as otherwise provided in this subsection:

42 (a) Maintain the following records:

43 a. A plan book, diary, or other written record indicating subjects taught  
44 and activities engaged in; and

45 b. A portfolio of samples of the child's academic work; and

46 c. A record of evaluations of the child's academic progress; or

47 d. Other written, or credible evidence equivalent to subparagraphs a., b.  
48 and c.; and

49 (b) Offer at least one thousand hours of instruction, at least six hundred  
50 hours of which will be in reading, language arts, mathematics, social studies and  
51 science or academic courses that are related to the aforementioned subject areas  
52 and consonant with the pupil's age and ability. At least four hundred of the six  
53 hundred hours shall occur at the regular home school location.

54 (3) The requirements of subdivision (2) of this subsection shall not apply  
55 to any pupil above the age of sixteen years.

56 3. Nothing in this section shall require a private, parochial, parish or home  
57 school to include in its curriculum any concept, topic, or practice in conflict with  
58 the school's religious doctrines or to exclude from its curriculum any concept, topic,

59 or practice consistent with the school's religious doctrines. Any other provision of  
60 the law to the contrary notwithstanding, all departments or agencies of the state  
61 of Missouri shall be prohibited from dictating through rule, regulation or other  
62 device any statewide curriculum for private, parochial, parish or home schools.

63 4. A school year begins on the first day of July and ends on the thirtieth  
64 day of June following.

65 5. The production by a parent of a daily log showing that a home school  
66 has a course of instruction which satisfies the requirements of this section or, in  
67 the case of a pupil over the age of sixteen years who attended a metropolitan  
68 school district the previous year, a written statement that the pupil is attending  
69 home school in compliance with this section shall be a defense to any prosecution  
70 under this section and to any charge or action for educational neglect brought  
71 pursuant to chapter 210, RSMo.

72 6. As used in sections 167.031 to 167.051, the term "compulsory attendance  
73 age for the district" shall mean:

74 (1) Seventeen years of age for any metropolitan school district for which  
75 the school board adopts a resolution to establish such compulsory attendance age;  
76 provided that such resolution shall take effect no earlier than the school year next  
77 following the school year during which the resolution is adopted; and

78 (2) **[Sixteen] Seventeen years of age or having successfully**  
79 **completed sixteen credits towards high school graduation** in all other  
80 cases. The school board of a metropolitan school district for which the compulsory  
81 attendance age is seventeen years may adopt a resolution to lower the compulsory  
82 attendance age to sixteen years; provided that such resolution shall take effect no  
83 earlier than the school year next following the school year during which the  
84 resolution is adopted.

85 **7. For purposes of subsection 2 of this section as applied in**  
86 **subsection 6 herein, a completed credit towards high school graduation**  
87 **shall be defined as one hundred hours or more of instruction in a**  
88 **course. Home school education enforcement and records pursuant to**  
89 **this section, and sections 210.167 and 211.031, RSMo, shall be subject to**  
90 **review only by the local prosecuting attorney.**

167.126. 1. Children who are admitted to programs or facilities of the  
2 department of mental health or whose domicile is one school district in Missouri  
3 but who reside in another school district in Missouri as a result of placement  
4 arranged by or approved by the department of mental health, the department of

5 social services or placement arranged by or ordered by a court of competent  
6 jurisdiction shall have a right to be provided the educational services as provided  
7 by law and shall not be denied admission to any appropriate regular public school  
8 or special school district program or program operated by the state board of  
9 education, as the case may be, where the child actually resides because of such  
10 admission or placement; provided, however, that nothing in this section shall  
11 prevent the department of mental health, the department of social services or a  
12 court of competent jurisdiction from otherwise providing or procuring educational  
13 services for such child.

14         2. Each school district or special school district constituting the domicile  
15 of any child for whom educational services are provided or procured under this  
16 section shall pay toward the per-pupil costs for educational services for such child.  
17 A school district which is not a special school district shall pay an amount equal  
18 to the average sum produced per child by the local tax effort of the district of  
19 domicile. A special school district shall pay an amount not to exceed the average  
20 sum produced per child by the local tax efforts of the domiciliary districts.

21         3. When educational services have been provided by the school district or  
22 special school district in which a child actually resides, **including a child who**  
23 **temporarily resides in a children's hospital licensed under chapter 197,**  
24 **RSMo, for rendering health care services to children under the age of**  
25 **eighteen for more than three days**, other than the district of domicile, the  
26 amounts as provided in subsection 2 **of this section** for which the domiciliary  
27 school district or special school district is responsible shall be paid by such district  
28 directly to the serving district. The school district, or special school district, as the  
29 case may be, shall send a written voucher for payment to the regular or special  
30 district constituting the domicile of the child served and the domiciliary school  
31 district or special school district receiving such voucher shall pay the district  
32 providing or procuring the services an amount not to exceed the average sum  
33 produced per child by the local tax efforts of the domiciliary districts. In the event  
34 the responsible district fails to pay the appropriate amount to the district within  
35 ninety days after a voucher is submitted, the state department of elementary and  
36 secondary education shall deduct the appropriate amount due from the next  
37 payments of any state financial aid due that district and shall pay the same to the  
38 appropriate district.

39         4. In cases where a child whose domicile is in one district is placed in  
40 programs or facilities operated by the department of mental health or resides in

41 another district pursuant to assignment by that department or is placed by the  
42 department of social services or a court of competent jurisdiction into any type of  
43 publicly contracted residential site in Missouri, the department of elementary and  
44 secondary education shall, as soon as funds are appropriated, pay the serving  
45 district from funds appropriated for that purpose the amount by which the  
46 per-pupil costs of the educational services exceeds the amounts received from the  
47 domiciliary district except that any other state money received by the serving  
48 district by virtue of rendering such service shall reduce the balance due.

49         5. Institutions providing a place of residence for children whose parents  
50 or guardians do not reside in the district in which the institution is located shall  
51 have authority to enroll such children in a program in the district or special  
52 district in which the institution is located and such enrollment shall be subject to  
53 the provisions of subsections 2 and 3 of this section. The provisions of this  
54 subsection shall not apply to placement authorized pursuant to subsection 1 of this  
55 section or if the placement occurred for the sole purpose of enrollment in the  
56 district or special district. "Institution" as used in this subsection means a facility  
57 organized under the laws of Missouri for the purpose of providing care and  
58 treatment of juveniles.

59         6. Children residing in institutions providing a place of residence for three  
60 or more such children whose domicile is not in the state of Missouri may be  
61 admitted to schools or programs provided on a contractual basis between the  
62 school district, special district or state department or agency and the proper  
63 department or agency, or persons in the state where domicile is maintained. Such  
64 contracts shall not be permitted to place any financial burden whatsoever upon the  
65 state of Missouri, its political subdivisions, school districts or taxpayers.

66         7. For purposes of this section the domicile of the child shall be the school  
67 district where the child would have been educated if the child had not been placed  
68 in a different school district. No provision of this section shall be construed to  
69 deny any child domiciled in Missouri appropriate and necessary, gratuitous public  
70 services.

71         8. For the purpose of distributing state aid under section 163.031, RSMo,  
72 a child receiving educational services provided by the district in which the child  
73 actually resides, other than the district of domicile, shall be included in average  
74 daily attendance, as defined under section 163.011, RSMo, of the district providing  
75 the educational services for the child.

76         9. Each school district or special school district where the child actually



77 resides, other than the district of domicile, may receive payment from the  
78 department of elementary and secondary education, in lieu of receiving the local  
79 tax effort from the domiciliary school district. Such payments from the  
80 department shall be subject to appropriation and shall only be made for children  
81 that have been placed in a school other than the domiciliary school district by a  
82 state agency or a court of competent jurisdiction and from whom excess  
83 educational costs are billed to the department of elementary and secondary  
84 education.

167.275. 1. Effective January 1, 1991, all public and nonpublic secondary  
2 schools shall report to the state literacy hot line office in Jefferson City the name,  
3 mailing address and telephone number of all students sixteen years of age or older  
4 who drop out of school for any reason other than to attend another school, college  
5 or university, or enlist in the armed services. Such reports shall be made either  
6 by using the telephone hot line number or on forms developed by the department  
7 of elementary and secondary education. Upon such notification, the state literacy  
8 hot line office shall contact the student who has been reported and refer that  
9 student to the nearest location that provides adult basic education instruction  
10 leading to the completion of a general educational development certificate.

11 **2. All records and reports from or based upon the reports**  
12 **required by this section shall be made available by free electronic**  
13 **record on the department's web site or otherwise on the first business**  
14 **day of each month. The names of the students who drop out and any**  
15 **other information which might identify such students shall not be**  
16 **included in the records and reports made available by free electronic**  
17 **media.**

167.720. 1. As used in this section, the following terms shall mean:

2 (1) "Moderate physical activity", low to medium impact physical  
3 exertion designed to increase an individual's heart rate to rise to at  
4 least seventy-five percent of his or her maximum heart rate. Activities  
5 in this category may include, but are not limited to, running,  
6 calisthenics, aerobic exercise, etc.;

7 (2) "Physical education", instruction in healthy active living by a  
8 teacher certificated to teach physical education structured in such a  
9 way that it is a regularly scheduled class for students;

10 (3) "Recess", a structured play environment outside of regular  
11 classroom instructional activities, where students are allowed to engage

12 in supervised safe active free play.

13 2. Beginning with the school year 2010-2011:

14 (1) School districts shall ensure that students in elementary  
15 schools participate in moderate physical activity for the entire school  
16 year, including students in alternative education programs. Students  
17 in the elementary schools shall participate in moderate physical activity  
18 for an average of one hundred fifty minutes per five-day school week,  
19 or an average of thirty minutes per day. Students with disabilities shall  
20 participate in moderate physical activity to the extent appropriate as  
21 determined by the provisions of the Individuals with Disabilities  
22 Education Act, or Section 504 of the Rehabilitation Act;

23 (2) Each year the commissioner of education shall select for  
24 recognition students, schools and school districts that are considered to  
25 have achieved improvement in fitness;

26 (3) Students in middle schools may at the school's discretion  
27 participate in at least two hundred twenty-five minutes of physical  
28 activity per school week;

29 (4) A minimum of one recess period of twenty minutes per day  
30 shall be provided for children in elementary schools, which may be  
31 incorporated into the lunch period.

32 Any requirement of this section above the state minimum physical  
33 education requirement may be met by additional physical education  
34 instruction, or by other activities approved by the individual school  
35 district under the direction of any certificated teacher or administrator  
36 or other school employee under the supervision of a certificated teacher  
37 or administrator.

168.021. 1. Certificates of license to teach in the public schools of the state  
2 shall be granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state  
7 board with advice from the advisory council established by section 168.015 to any  
8 individual who presents to the state board a valid doctoral degree from an  
9 accredited institution of higher education accredited by a regional accrediting  
10 association such as North Central Association. Such certificate shall be limited  
11 to the major area of postgraduate study of the holder, shall be issued only after

12 successful completion of the examination required for graduation pursuant to rules  
13 adopted by the state board of education, and shall be restricted to those  
14 certificates established pursuant to subdivision (1) of subsection 3 of this section;

15 (3) By the state board, which shall issue the professional certificate  
16 classification in both the general and specialized areas most closely aligned with  
17 the current areas of certification approved by the state board, commensurate with  
18 the years of teaching experience of the applicant, and based upon the following  
19 criteria:

20 (a) Recommendation of a state-approved baccalaureate-level teacher  
21 preparation program;

22 (b) Successful attainment of the Missouri qualifying score on the exit  
23 assessment for teachers or administrators designated by the state board of  
24 education. Applicants who have not successfully achieved a qualifying score on  
25 the designated examinations will be issued a two-year nonrenewable provisional  
26 certificate; and

27 (c) Upon completion of a background check and possession of a valid  
28 teaching certificate in the state from which the applicant's teacher preparation  
29 program was completed; [or]

30 (4) **By the state board, under rules prescribed by it, on the basis**  
31 **of a relevant bachelor's degree, or higher degree, and a passing score for**  
32 **the designated exit examination, for individuals whose academic degree**  
33 **and professional experience are suitable to provide a basis for**  
34 **instruction solely in the subject matter of banking or financial**  
35 **responsibility, at the discretion of the state board. Such certificate shall**  
36 **be limited to the major area of study of the holder and shall be**  
37 **restricted to those certificates established under subdivision (1) of**  
38 **subsection 3 of this section. Holders of certificates granted under this**  
39 **subdivision shall be exempt from the teacher tenure act under sections**  
40 **168.102 to 168.130 and each school district shall have the decision-**  
41 **making authority on whether to hire the holders of such certificates; or**

42 (5) By the state board, under rules and regulations prescribed by it, on the  
43 basis of certification by the American Board for Certification of Teacher Excellence  
44 (ABCTE) and verification of ability to work with children as demonstrated by sixty  
45 contact hours in any one of the following areas as validated by the school  
46 principal: sixty contact hours in the classroom, of which at least forty-five must  
47 be teaching; sixty contact hours as a substitute teacher, with at least thirty

48 consecutive hours in the same classroom; sixty contact hours of teaching in a  
49 private school; or sixty contact hours of teaching as a paraprofessional, for an  
50 initial four-year ABCTE certificate of license to teach, except that such certificate  
51 shall not be granted for the areas of early childhood education, elementary  
52 education, or special education. Upon the completion of the requirements listed  
53 in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible  
54 to apply for a career continuous professional certificate under subdivision (2) of  
55 subsection 3 of this section:

56 (a) Completion of thirty contact hours of professional development within  
57 four years, which may include hours spent in class in an appropriate college  
58 curriculum;

59 (b) Validated completion of two years of the mentoring program of the  
60 American Board for Certification of Teacher Excellence or a district mentoring  
61 program approved by the state board of education;

62 (c) Attainment of a successful performance-based teacher evaluation; and

63 (d) Participate in a beginning teacher assistance program.

64 2. All valid teaching certificates issued pursuant to law or state board  
65 policies and regulations prior to September 1, 1988, shall be exempt from the  
66 professional development requirements of this section and shall continue in effect  
67 until they expire, are revoked or suspended, as provided by law. When such  
68 certificates are required to be renewed, the state board or its designee shall grant  
69 to each holder of such a certificate the certificate most nearly equivalent to the one  
70 so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or  
71 continuous professional certificate shall, upon expiration of his or her current  
72 certificate, be issued the appropriate level of certificate based upon the  
73 classification system established pursuant to subsection 3 of this section.

74 3. Certificates of license to teach in the public schools of the state shall be  
75 based upon minimum requirements prescribed by the state board of  
76 education. The state board shall provide for the following levels of professional  
77 certification: an initial professional certificate and a career continuous  
78 professional certificate.

79 (1) The initial professional certificate shall be issued upon completion of  
80 requirements established by the state board of education and shall be valid based  
81 upon verification of actual teaching within a specified time period established by  
82 the state board of education. The state board shall require holders of the four-year  
83 initial professional certificate to:

84 (a) Participate in a mentoring program approved and provided by the  
85 district for a minimum of two years;

86 (b) Complete thirty contact hours of professional development, which may  
87 include hours spent in class in an appropriate college curriculum, **or for holders**  
88 **of a certificate under subdivision (4) of subsection 1 of this section, an**  
89 **amount of professional development in proportion to the certificate**  
90 **holder's hours in the classroom, if the certificate holder is employed less**  
91 **than full time; and**

92 (c) Participate in a beginning teacher assistance program;

93 (2) (a) The career continuous professional certificate shall be issued upon  
94 verification of completion of four years of teaching under the initial professional  
95 certificate and upon verification of the completion of the requirements articulated  
96 in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs  
97 (a), (b), (c), and (d) of subdivision [(4)] (5) of subsection 1 of this section.

98 (b) The career continuous professional certificate shall be continuous based  
99 upon verification of actual employment in an educational position as provided for  
100 in state board guidelines and completion of fifteen contact hours of professional  
101 development per year which may include hours spent in class in an appropriate  
102 college curriculum. Should the possessor of a valid career continuous professional  
103 certificate fail, in any given year, to meet the fifteen-hour professional  
104 development requirement, the possessor may, within two years, make up the  
105 missing hours. In order to make up for missing hours, the possessor shall first  
106 complete the fifteen-hour requirement for the current year and then may count  
107 hours in excess of the current year requirement as make-up hours. Should the  
108 possessor fail to make up the missing hours within two years, the certificate shall  
109 become inactive. In order to reactivate the certificate, the possessor shall complete  
110 twenty-four contact hours of professional development which may include hours  
111 spent in the classroom in an appropriate college curriculum within the six months  
112 prior to or after reactivating his or her certificate. The requirements of this  
113 paragraph shall be monitored and verified by the local school district which  
114 employs the holder of the career continuous professional certificate.

115 (c) A holder of a career continuous professional certificate shall be exempt  
116 from the professional development contact hour requirements of paragraph (b) of  
117 this subdivision if such teacher has a local professional development plan in place  
118 within such teacher's school district and meets two of the three following criteria:

119 a. Has ten years of teaching experience as defined by the state board of

120 education;

121 b. Possesses a master's degree; or

122 c. Obtains a rigorous national certification as approved by the state board  
123 of education.

124 4. Policies and procedures shall be established by which a teacher who was  
125 not retained due to a reduction in force may retain the current level of  
126 certification. There shall also be established policies and procedures allowing a  
127 teacher who has not been employed in an educational position for three years or  
128 more to reactivate his or her last level of certification by completing twenty-four  
129 contact hours of professional development which may include hours spent in the  
130 classroom in an appropriate college curriculum within the six months prior to or  
131 after reactivating his or her certificate.

132 5. The state board shall, upon an appropriate background check, issue a  
133 professional certificate classification in the areas most closely aligned with an  
134 applicant's current areas of certification, commensurate with the years of teaching  
135 experience of the applicant, to any person who is hired to teach in a public school  
136 in this state and who possesses a valid teaching certificate from another state **or**  
137 **certification under subdivision (4) of subsection 1 of this section,**  
138 provided that the certificate holder shall annually complete the state board's  
139 requirements for such level of certification, and shall establish policies by which  
140 residents of states other than the state of Missouri may be assessed a fee for a  
141 certificate license to teach in the public schools of Missouri. Such fee shall be in  
142 an amount sufficient to recover any or all costs associated with the issuing of a  
143 certificate of license to teach. The board shall promulgate rules to authorize the  
144 issuance of a provisional certificate of license, which shall allow the holder to  
145 assume classroom duties pending the completion of a criminal background check  
146 under section 168.133, for any applicant who:

147 (1) Is the spouse of a member of the armed forces stationed in Missouri;

148 (2) Relocated from another state within one year of the date of application;

149 (3) Underwent a criminal background check in order to be issued a  
150 teaching certificate of license from another state; and

151 (4) Otherwise qualifies under this section.

152 6. The state board may assess to holders of an initial professional  
153 certificate a fee, to be deposited into the excellence in education revolving fund  
154 established pursuant to section 160.268, RSMo, for the issuance of the career  
155 continuous professional certificate. However, such fee shall not exceed the

156 combined costs of issuance and any criminal background check required as a  
157 condition of issuance. Applicants for the initial ABCTE certificate shall be  
158 responsible for any fees associated with the program leading to the issuance of the  
159 certificate, but nothing in this section shall prohibit a district from developing a  
160 policy that permits fee reimbursement.

161 7. Any member of the public school retirement system of Missouri who  
162 entered covered employment with ten or more years of educational experience in  
163 another state or states and held a certificate issued by another state and  
164 subsequently worked in a school district covered by the public school retirement  
165 system of Missouri for ten or more years who later became certificated in Missouri  
166 shall have that certificate dated back to his or her original date of employment in  
167 a Missouri public school.

168 8. The provisions of subdivision [(4)] (5) of subsection 1 of this section, as  
169 well as any other provision of this section relating to the American Board for  
170 Certification of Teacher Excellence, shall terminate on August 28, 2014.

168.133. 1. The school district shall ensure that a criminal background  
2 check is conducted on any person employed after January 1, 2005, authorized to  
3 have contact with pupils and prior to the individual having contact with any  
4 pupil. Such persons include, but are not limited to, administrators, teachers,  
5 aides, paraprofessionals, assistants, secretaries, custodians, cooks, and  
6 nurses. The school district shall also ensure that a criminal background check is  
7 conducted for school bus drivers. The district may allow such drivers to operate  
8 buses pending the result of the criminal background check. For bus drivers, the  
9 background check shall be conducted on drivers employed by the school district or  
10 employed by a pupil transportation company under contract with the school  
11 district.

12 2. In order to facilitate the criminal history background check on any  
13 person employed after January 1, 2005, the applicant shall submit two sets of  
14 fingerprints collected pursuant to standards determined by the Missouri highway  
15 patrol. One set of fingerprints shall be used by the highway patrol to search the  
16 criminal history repository and the family care safety registry pursuant to sections  
17 210.900 to 210.936, RSMo, and the second set shall be forwarded to the Federal  
18 Bureau of Investigation for searching the federal criminal history files.

19 3. The applicant shall pay the fee for the state criminal history record  
20 information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936,  
21 RSMo, and pay the appropriate fee determined by the Federal Bureau of

22 Investigation for the federal criminal history record when he or she applies for a  
23 position authorized to have contact with pupils pursuant to this section. The  
24 department shall distribute the fees collected for the state and federal criminal  
25 histories to the Missouri highway patrol.

26 4. The school district may adopt a policy to provide for reimbursement of  
27 expenses incurred by an employee for state and federal criminal history  
28 information pursuant to section 43.530, RSMo.

29 5. If, as a result of the criminal history background check mandated by this  
30 section, it is determined that the holder of a certificate issued pursuant to section  
31 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or  
32 offense listed in section 168.071, or a similar crime or offense committed in  
33 another state, the United States, or any other country, regardless of imposition of  
34 sentence, such information shall be reported to the department of elementary and  
35 secondary education.

36 6. Any school official making a report to the department of elementary and  
37 secondary education in conformity with this section shall not be subject to civil  
38 liability for such action.

39 7. For any teacher who is employed by a school district on a substitute or  
40 part-time basis within one year of such teacher's retirement from a Missouri  
41 school, the state of Missouri shall not require such teacher to be subject to any  
42 additional background checks prior to having contact with pupils. Nothing in this  
43 subsection shall be construed as prohibiting or otherwise restricting a school  
44 district from requiring additional background checks for such teachers employed  
45 by the school district.

46 8. **A criminal background check and fingerprint collection**  
47 **conducted under subsections 1 and 2 of this section shall be valid for at**  
48 **least a period of one year and transferrable from one school district to**  
49 **another district. A teacher's change in type of certification shall have**  
50 **no effect on the transferability or validity of such records.**

51 9. Nothing in this section shall be construed to alter the standards for  
52 suspension, denial, or revocation of a certificate issued pursuant to this chapter.

53 [9.] 10. The state board of education may promulgate rules for criminal  
54 history background checks made pursuant to this section. Any rule or portion of  
55 a rule, as that term is defined in section 536.010, RSMo, that is created under the  
56 authority delegated in this section shall become effective only if it complies with  
57 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,



58 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and  
59 if any of the powers vested with the general assembly pursuant to chapter 536,  
60 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are  
61 subsequently held unconstitutional, then the grant of rulemaking authority and  
62 any rule proposed or adopted after January 1, 2005, shall be invalid and void.

168.221. 1. The first five years of employment of all teachers entering the  
2 employment of the metropolitan school district shall be deemed a period of  
3 probation during which period all appointments of teachers shall expire at the end  
4 of each school year. During the probationary period any probationary teacher  
5 whose work is unsatisfactory shall be furnished by the superintendent of schools  
6 with a written statement setting forth the nature of his incompetency. If  
7 improvement satisfactory to the superintendent is not made within one semester  
8 after the receipt of the statement, the probationary teacher shall be  
9 dismissed. The semester granted the probationary teacher in which to improve  
10 shall not in any case be a means of prolonging the probationary period beyond five  
11 years and six months from the date on which the teacher entered the employ of the  
12 board of education. The superintendent of schools on or before the fifteenth day  
13 of April in each year shall notify probationary teachers who will not be retained  
14 by the school district of the termination of their services. Any probationary  
15 teacher who is not so notified shall be deemed to have been appointed for the next  
16 school year. Any principal who prior to becoming a principal had attained  
17 permanent employee status as a teacher shall upon ceasing to be a principal have  
18 a right to resume his or her permanent teacher position with the time served as  
19 a principal being treated as if such time had been served as a teacher for the  
20 purpose of calculating seniority and pay scale. The rights and duties and  
21 remuneration of a teacher who was formerly a principal shall be the same as any  
22 other teacher with the same level of qualifications and time of service.

23 2. After completion of satisfactory probationary services, appointments of  
24 teachers shall become permanent, subject to removal for any one or more causes  
25 herein described and to the right of the board to terminate the services of all who  
26 attain the age of compulsory retirement fixed by the retirement system. In  
27 determining the duration of the probationary period of employment in this section  
28 specified, the time of service rendered as a substitute teacher shall not be  
29 included.

30 3. No teacher whose appointment has become permanent may be removed  
31 except for one or more of the following causes: immorality, inefficiency in line of

32 duty, violation of the published regulations of the school district, violation of the  
33 laws of Missouri governing the public schools of the state, or physical or mental  
34 condition which incapacitates him for instructing or associating with children, and  
35 then only by a vote of not less than a majority of all the members of the board,  
36 upon written charges presented by the superintendent of schools, to be heard by  
37 the board after thirty days' notice, with copy of the charges served upon the person  
38 against whom they are preferred, who shall have the privilege of being present,  
39 together with counsel, offering evidence and making defense thereto. Notifications  
40 received by an employee during a vacation period shall be considered as received  
41 on the first day of the school term following. At the request of any person so  
42 charged the hearing shall be public. The action and decision of the board upon the  
43 charges shall be final. Pending the hearing of the charges, the person charged  
44 may be suspended if the rules of the board so prescribe, but in the event the board  
45 does not by a majority vote of all the members remove the teacher upon charges  
46 presented by the superintendent, the person shall not suffer any loss of salary by  
47 reason of the suspension. Inefficiency in line of duty is cause for dismissal only  
48 after the teacher has been notified in writing at least one semester prior to the  
49 presentment of charges against him by the superintendent. The notification shall  
50 specify the nature of the inefficiency with such particularity as to enable the  
51 teacher to be informed of the nature of his inefficiency.

52 4. No teacher whose appointment has become permanent shall be demoted  
53 nor shall his salary be reduced unless the same procedure is followed as herein  
54 stated for the removal of the teacher because of inefficiency in line of duty, and  
55 any teacher whose salary is reduced or who is demoted may waive the  
56 presentment of charges against him by the superintendent and a hearing thereon  
57 by the board. The foregoing provision shall apply only to permanent teachers prior  
58 to the compulsory retirement age under the retirement system. Nothing herein  
59 contained shall in any way restrict or limit the power of the board of education to  
60 make reductions in the number of teachers or principals, or both, because of  
61 insufficient funds, decrease in pupil enrollment, or abolition of particular subjects  
62 or courses of instruction, except that the abolition of particular subjects or courses  
63 of instruction shall not cause those teachers who have been teaching the subjects  
64 or giving the courses of instruction to be placed on leave of absence as herein  
65 provided who are qualified to teach other subjects or courses of instruction, if  
66 positions are available for the teachers in the other subjects or courses of  
67 instruction.

68           5. Whenever it is necessary to decrease the number of teachers because of  
69 insufficient funds or a substantial decrease of pupil population within the school  
70 district, the board of education upon recommendation of the superintendent of  
71 schools may cause the necessary number of teachers beginning with those serving  
72 probationary periods to be placed on leave of absence without pay, but only in the  
73 inverse order of their appointment. Nothing herein stated shall prevent a  
74 readjustment by the board of education of existing salary schedules. No teacher  
75 placed on a leave of absence shall be precluded from securing other employment  
76 during the period of the leave of absence. Each teacher placed on leave of absence  
77 shall be reinstated in inverse order of his placement on leave of absence. Such  
78 reemployment shall not result in a loss of status or credit for previous years of  
79 service. No new appointments shall be made while there are available teachers  
80 on leave of absence who are seventy years of age or less and who are adequately  
81 qualified to fill the vacancy unless the teachers fail to advise the superintendent  
82 of schools within thirty days from the date of notification by the superintendent  
83 of schools that positions are available to them that they will return to employment  
84 and will assume the duties of the position to which appointed not later than the  
85 beginning of the school year next following the date of the notice by the  
86 superintendent of schools.

87           6. If any regulation which deals with the promotion of [either] teachers is  
88 amended by increasing the qualifications necessary to be met before a teacher is  
89 eligible for promotion, the amendment shall fix an effective date which shall allow  
90 a reasonable length of time within which teachers may become qualified for  
91 promotion under the regulations.

92           **7. A teacher whose appointment has become permanent may give**  
93 **up the right to a permanent appointment to participate in the teacher**  
94 **choice compensation package under sections 168.745 to 168.750.**

168.251. 1. All employees of a metropolitan school district shall be  
2 appointed and promoted under rules and regulations prescribed by the board of  
3 education of the school district. The rules shall be complementary to the  
4 provisions of sections 168.251 to 168.291 as to the removal, discharge, suspension  
5 without pay or demotion of permanent employees and not in derogation  
6 thereof. The word "employee" or "employees" as used in this section means all  
7 employees, male or female, except certificated employees.

8           2. All appointments and promotions of noncertificated employees shall be  
9 made in the case of appointment by examination, and in case of promotion by

10 length and character of service. Examinations for appointments shall be  
11 conducted by the director of personnel under regulations to be made by the board.

12       **3. Sections 168.251 to 168.291 shall not apply to employees hired**  
13 **after August 28, 2009.**

**168.745. 1. There is hereby created the "Teacher Choice**  
2 **Compensation Package" to permit performance-based salary stipends**  
3 **upon the decision of the teacher in a metropolitan school district as**  
4 **described in section 168.747, to reward teachers for objectively**  
5 **demonstrated superior performance.**

6       **2. There is hereby created the "Teacher Choice Compensation**  
7 **Fund" in the state treasury. The fund shall be administered by the**  
8 **department of elementary and secondary education. The state treasurer**  
9 **shall be custodian of the fund and may approve disbursements from the**  
10 **fund in accordance with sections 30.170 and 30.180, RSMo.**

11       **3. The teacher choice compensation fund shall consist of all**  
12 **moneys transferred to it under this section, and all moneys otherwise**  
13 **appropriated to or donated to it. Notwithstanding the provisions of**  
14 **section 33.080, RSMo, to the contrary, any moneys remaining in the fund**  
15 **at the end of the biennium shall not revert to the credit of the general**  
16 **revenue fund. The state treasurer shall invest moneys in the fund in the**  
17 **same manner as other funds are invested. Any interest and moneys**  
18 **earned on such investments shall be credited to the fund.**

19       **4. The general assembly shall annually appropriate five million**  
20 **dollars to the fund created in this section.**

**168.747. 1. To be eligible for the teacher choice compensation**  
2 **package, all classroom personnel in a metropolitan school district**  
3 **reported as a code forty, fifty, or sixty through the core data system of**  
4 **the department of elementary and secondary education shall opt out of**  
5 **his or her indefinite contract under section 168.221 for the duration of**  
6 **employment with the district. A teacher may decide to end his or her**  
7 **eligibility for the teacher choice stipend but may not resume permanent**  
8 **teacher status with that district. A probationary teacher may opt out of**  
9 **consideration for a permanent contract in the second or subsequent**  
10 **years of employment by the district to participate in the teacher choice**  
11 **compensation package but may not return to permanent status in that**  
12 **district or resume the process for qualification for an indefinite**  
13 **contract in that district. A teacher who has chosen the teacher choice**

14 compensation package and changes employment to another district may  
15 choose to resume the process for qualification for an indefinite contract  
16 in that district. The teacher choice compensation package shall only be  
17 available for teachers in a metropolitan school district.

18 2. Teachers shall qualify annually in October for the stipends  
19 described in section 168.749. Stipends shall be offered in five thousand  
20 dollar increments, up to fifteen thousand dollars, but shall not exceed  
21 fifty percent of a teacher's base salary, before deductions for retirement  
22 but including designated pay for additional duties such as coaching,  
23 sponsoring, or mentoring. Any stipend received under section 168.749  
24 shall be in addition to the base salary to which the teacher would  
25 otherwise be entitled. Teachers receiving the stipend shall receive any  
26 pay and benefits received by teachers of similar training, experience,  
27 and duties. Such stipends shall not be considered compensation for  
28 retirement purposes.

29 3. Subject to appropriation, the department of elementary and  
30 secondary education shall make a payment to the district in the amount  
31 of the stipend, to be delivered as a lump sum in January following the  
32 October of qualification. If the amount appropriated is not enough to  
33 fund the total of five thousand dollar increment payments, the  
34 department may prorate the payments.

35 4. Every person employed by the district in a teaching position,  
36 regardless of the certification status of the person, who qualifies under  
37 any of the indicators listed in section 168.749 is eligible for the teacher  
38 choice compensation package. Teachers who are employed less than  
39 full-time are eligible for teacher choice stipends on a pro-rated  
40 basis. Any teacher who is dismissed for cause who has otherwise  
41 qualified for a teacher choice stipend shall forfeit the stipend for that  
42 year.

168.749. 1. Beginning with school year 2010-2011, teachers who  
2 elect to participate in the teacher choice compensation package shall be  
3 eligible for stipends based on the following criteria:

4 (1) Score on a value-added test instrument or instruments. Such  
5 instruments shall be defined as those which give a reliable measurement  
6 of the skills and knowledge transferred to students during the time they  
7 are in a teacher's classroom and shall be selected by the school district  
8 from one or more of the following assessments:

9           (a) A list of recognized value-added instruments developed by the  
10 department of elementary and secondary education;

11           (b) Scores on the statewide assessments established under section  
12 160.518, RSMo, may be used for this purpose, and the department of  
13 elementary and secondary education shall develop a procedure for  
14 identifying the value added by teachers that addresses the fact that not  
15 all subjects are tested at all grade levels each year under the state  
16 assessment program;

17           (c) Scores on annual tests required by the federal Elementary and  
18 Secondary Education Act reauthorization of 2002 for third through  
19 eighth grade may be used as value-added instruments if found  
20 appropriate after consideration and approval by the state board of  
21 education;

22           (d) A district may choose an instrument after a public hearing of  
23 the district board of education on the matter, with the reasons for the  
24 selection entered upon the minutes of the meeting; provided, however,  
25 that this option shall not be available to districts after scores are  
26 established for paragraphs (a), (b), and (c) of this subdivision;

27           (2) Evaluations by principals or other administrators with  
28 expertise to evaluate classroom performance;

29           (3) Evaluations by parents and by students at their appropriate  
30 developmental level.

31 Model instruments for these evaluations shall be developed or identified  
32 by the department of elementary and secondary education. Districts  
33 may use such models, may use other existing models, or may develop  
34 their own instruments. A district that develops its own instrument shall  
35 not use that instrument as its sole method of evaluation.

36           2. The department of elementary and secondary education shall  
37 develop criteria for determining eligibility for stipend increments,  
38 including a range of target scores on assessments for use by the  
39 districts. The test-score options listed in subdivision (1) of subsection  
40 1 of this section shall be given higher weight than the evaluation  
41 options listed in subdivisions (2) and (3) of subsection 1 of this  
42 section. The decision of individual districts about the qualifications for  
43 each increment based on the evaluations listed in subdivisions (2) and  
44 (3) of subsection 1 of this section and for value-added instruments for  
45 which target scores have not been developed by the department of

46 elementary and secondary education may address the district's unique  
47 characteristics but shall require demonstrably superior performance on  
48 the part of the teacher, based primarily on improved student  
49 achievement while taking into account classroom demographics  
50 including but not limited to students' abilities, special needs, and class  
51 size.

168.750. Any rule or portion of a rule, as that term is defined in  
2 section 536.010, RSMo, that is created under the authority delegated in  
3 sections 168.745 to 168.749 shall become effective only if it complies with  
4 and is subject to all of the provisions of chapter 536, RSMo, and, if  
5 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
6 are nonseverable and if any of the powers vested with the general  
7 assembly pursuant to chapter 536, RSMo, to review, to delay the  
8 effective date, or to disapprove and annul a rule are subsequently held  
9 unconstitutional, then the grant of rulemaking authority and any rule  
10 proposed or adopted after August 28, 2009, shall be invalid and void.

170.400. Any and all equipment and educational materials  
2 necessary for successful participation in supplemental educational  
3 services programming shall not be deemed an incentive for the purposes  
4 of compliance with department of elementary and secondary education  
5 rules and regulations for supplemental educational services provider  
6 certification. The department of elementary and secondary education  
7 shall not prohibit providers of supplemental and educational services  
8 from allowing students to retain instructional equipment, including  
9 computers, used by them upon successful completion of supplemental  
10 and educational services.

171.029. 1. The school board of any school district in the state,  
2 upon adoption of a resolution by the vote of a majority of all its  
3 members to authorize such action, may establish a four-day school week  
4 or other calendar consisting of less than one hundred seventy-four days  
5 in lieu of a five-day school week. Upon adoption of a four-day school  
6 week or other calendar consisting of less than one hundred seventy-four  
7 days, the school shall file a calendar with the department of elementary  
8 and secondary education in accordance with section 171.031. Such  
9 calendar shall include, but not be limited to, a minimum term of one  
10 hundred forty-two days and one thousand forty-four hours of actual  
11 pupil attendance.

12           **2. If a school district that attends less than one hundred seventy-**  
13 **four days meets at least two fewer performance standards on two**  
14 **successive annual performance reports than it met on its last annual**  
15 **performance report received prior to implementing a calendar year of**  
16 **less than one hundred seventy-four days, it shall be required to revert**  
17 **to a one hundred seventy-four-day school year in the school year**  
18 **following the report of the drop in the number of performance standards**  
19 **met. When the number of performance standards met reaches the**  
20 **earlier number, the district may return to the four-day week or other**  
21 **calendar consisting of less than one hundred seventy-four days in the**  
22 **next school year.**

171.031. 1. Each school board shall prepare annually a calendar for the  
2 school term, specifying the opening date and providing a minimum term of at least  
3 one hundred seventy-four days **for schools with a five-day school week or**  
4 **one hundred forty-two days for schools with a four-day school week,** and  
5 one thousand forty-four hours of actual pupil attendance. In addition, such  
6 calendar shall include six make-up days for possible loss of attendance due to  
7 inclement weather as defined in subsection 1 of section 171.033.

8           2. Each local school district may set its opening date each year, which date  
9 shall be no earlier than ten calendar days prior to the first Monday in September.  
10 No public school district shall select an earlier start date unless the district  
11 follows the procedure set forth in subsection 3 of this section.

12           3. A district may set an opening date that is more than ten calendar days  
13 prior to the first Monday in September only if the local school board first gives  
14 public notice of a public meeting to discuss the proposal of opening school on a  
15 date more than ten days prior to the first Monday in September, and the local  
16 school board holds said meeting and, at the same public meeting, a majority of the  
17 board votes to allow an earlier opening date. If all of the previous conditions are  
18 met, the district may set its opening date more than ten calendar days prior to the  
19 first Monday in September. The condition provided in this subsection must be  
20 satisfied by the local school board each year that the board proposes an opening  
21 date more than ten days before the first Monday in September.

22           4. If any local district violates the provisions of this section, the  
23 department of elementary and secondary education shall withhold an amount  
24 equal to one quarter of the state funding the district generated under section  
25 163.031, RSMo, for each date the district was in violation of this section.



26           5. The provisions of subsections 2 to 4 of this section shall not apply to  
27 school districts in which school is in session for twelve months of each calendar  
28 year.

29           6. The state board of education may grant an exemption from this section  
30 to a school district that demonstrates highly unusual and extenuating  
31 circumstances justifying exemption from the provisions of subsections 2 to 4 of this  
32 section. Any exemption granted by the state board of education shall be valid for  
33 one academic year only.

34           7. No school day **for schools with a five-day school week** shall be  
35 longer than seven hours except for vocational schools which may adopt an  
36 eight-hour day in a metropolitan school district and a school district in a first class  
37 county adjacent to a city not within a county, **and any school that adopts a**  
38 **four-day school week in accordance with section 171.029.**

          171.033. 1. "Inclement weather", for purposes of this section, shall be  
2 defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not  
3 include excessive heat.

4           2. A district shall be required to make up the first six days of school lost  
5 or canceled due to inclement weather and half the number of days lost or canceled  
6 in excess of six days **if the makeup of the days is necessary to ensure that**  
7 **the district's students will attend a minimum of one hundred forty-two**  
8 **days and a minimum of one thousand forty-four hours for the school**  
9 **year. Schools with a four-day school week may schedule such make-up**  
10 **days on Fridays.**

11           3. [In the 2005-06 school year, a school district may be exempt from the  
12 requirement to make up days of school lost or canceled due to inclement weather  
13 occurring after April 1, 2006, in the school district, but such reduction of the  
14 minimum number of school days shall not exceed five days when a district has  
15 missed more than seven days overall, such reduction to be taken as follows: one  
16 day for eight days missed, two days for nine days missed, three days for ten days  
17 missed, four days for eleven days missed, and five days for twelve or more days  
18 missed. The requirement for scheduling two-thirds of the missed days into the  
19 next year's calendar pursuant to subsection 1 of this section shall be waived for  
20 the 2006-07 school year.] **In the 2008-09 school year a school district may**  
21 **be exempt from the requirement to make up days of school lost or**  
22 **canceled due to inclement weather in the school district when the**  
23 **school district has made up the six days required under subsection 2 of**

24 **this section and half the number of additional lost or canceled days up**  
25 **to eight days, resulting in no more than ten total make-up days required**  
26 **by this section.**

27 4. **In the 2009-2010 school year and subsequent years, a school**  
28 **district may be exempt from the requirement to make up days of school**  
29 **lost or canceled due to inclement weather in the school district when**  
30 **the school district has made up the six days required under subsection**  
31 **2 of this section and half the number of additional lost or canceled days**  
32 **up to eight days, resulting in no more than ten total make-up days**  
33 **required by this section.**

34 5. The commissioner of education may provide, for any school district in  
35 which schools are in session for twelve months of each calendar year that cannot  
36 meet the minimum school calendar requirement of at least one hundred  
37 seventy-four days **for schools with a five-day school week or one hundred**  
38 **forty-two days for schools with a four-day school week** and one thousand  
39 forty-four hours of actual pupil attendance, upon request, a waiver to be excused  
40 from such requirement. This waiver shall be requested from the commissioner of  
41 education and may be granted if the school was closed due to circumstances  
42 beyond school district control, including inclement weather, flooding or fire.

177.088. 1. As used in this section, the following terms shall mean:

2 (1) "Board", the board of education, board of trustees, board of regents, or  
3 board of governors of an educational institution;

4 (2) "Educational institution", any school district, including all community  
5 college districts, and any state college or university organized under chapter 174,  
6 RSMo.

7 2. The board of any educational institution may enter into agreements as  
8 authorized in this section with a not-for-profit corporation formed under the  
9 general not-for-profit corporation law of Missouri, chapter 355, RSMo, in order to  
10 provide for the acquisition, construction, improvement, extension, repair,  
11 remodeling, renovation and financing of sites, buildings, facilities, furnishings and  
12 equipment for the use of the educational institution for educational purposes.

13 3. The board may on such terms as it shall approve:

14 (1) Lease from the corporation sites, buildings, facilities, furnishings and  
15 equipment which the corporation has acquired or constructed; or

16 (2) Notwithstanding the provisions of this chapter or any other provision  
17 of law to the contrary, sell or lease at fair market value, which may be determined

18 by appraisal, to the corporation any existing sites owned by the educational  
19 institution, together with any existing buildings and facilities thereon, in order for  
20 the corporation to acquire, construct, improve, extend, repair, remodel, renovate,  
21 furnish and equip buildings and facilities thereon, and then lease back or purchase  
22 such sites, buildings and facilities from the corporation; provided that upon selling  
23 or leasing the sites, buildings or facilities, the corporation agrees to enter into a  
24 lease for not more than one year but with not more than twenty-five successive  
25 options by the educational institution to renew the lease under the same  
26 conditions; and provided further that the corporation agrees to convey or sell the  
27 sites, buildings or facilities, including any improvements, extensions, renovations,  
28 furnishings or equipment, back to the educational institution with clear title at the  
29 end of the period of successive one-year options or at any time bonds, notes or  
30 other obligations issued by the corporation to pay for the improvements,  
31 extensions, renovations, furnishings or equipment have been paid and discharged.

32 4. Any consideration, promissory note or deed of trust which an  
33 educational institution receives for selling or leasing property to a not-for-profit  
34 corporation pursuant to this section shall be placed in a separate fund or in  
35 escrow, and neither the principal or any interest thereon shall be commingled with  
36 any other funds of the educational institutions. At such time as the title or deed  
37 for property acquired, constructed, improved, extended, repaired, remodeled or  
38 renovated under this section is conveyed to the educational institution, the  
39 consideration shall be returned to the corporation.

40 5. The board may make rental payments to the corporation under such  
41 leases out of its general funds or out of any other available funds, provided that  
42 in no event shall the educational institution become indebted in an amount  
43 exceeding in any year the income and revenue of the educational institution for  
44 such year plus any unencumbered balances from previous years.

45 6. Any bonds, notes and other obligations issued by a corporation to pay  
46 for the acquisition, construction, improvements, extensions, repairs, remodeling  
47 or renovations of sites, buildings and facilities, pursuant to this section, may be  
48 secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities  
49 and a pledge of the revenues received from the rental thereof to the educational  
50 institution. Such bonds, notes and other obligations issued by a corporation shall  
51 not be a debt of the educational institution and the educational institution shall  
52 not be liable thereon, and in no event shall such bonds, notes or other obligations  
53 be payable out of any funds or properties other than those acquired for the

54 purposes of this section, and such bonds, notes and obligations shall not constitute  
55 an indebtedness of the educational institution within the meaning of any  
56 constitutional or statutory debt limitation or restriction.

57 7. The interest on such bonds, notes and other obligations of the  
58 corporation and the income therefrom shall be exempt from taxation by the state  
59 and its political subdivisions, except for death and gift taxes on transfers. Sites,  
60 buildings, facilities, furnishings and equipment owned by a corporation in  
61 connection with any project pursuant to this section shall be exempt from taxation.

62 8. The board may make all other contracts or agreements with the  
63 corporation necessary or convenient in connection with any project pursuant to  
64 this section. The corporation shall comply with sections 290.210 to 290.340,  
65 RSMo.

66 9. Notice that the board is considering a project pursuant to this section  
67 shall be given by publication in a newspaper published within the county in which  
68 all or a part of the educational institution is located which has general circulation  
69 within the area of the educational institution, once a week for two consecutive  
70 weeks, the last publication to be at least seven days prior to the date of the  
71 meeting of the board at which such project will be considered and acted upon.

72 10. Provisions of other law to the contrary notwithstanding, the board may  
73 refinance any lease purchase agreement that satisfies at least one of the  
74 conditions specified in subsection 6 of section 165.011, RSMo, for the purpose of  
75 payment on any lease with the corporation under this section for sites, buildings,  
76 facilities, furnishings or equipment which the corporation has acquired or  
77 constructed, but such refinance shall not extend the date of maturity of any  
78 obligation, and the refinancing obligation shall not exceed the amount necessary  
79 to pay or provide for the payment of the principal of the outstanding obligations  
80 to be refinanced, together with the interest accrued thereon to the date of maturity  
81 or redemption of such obligations and any premium which may be due under the  
82 terms of such obligations and any amounts necessary for the payments of costs  
83 and expenses related to issuing such refunding obligations and to fund a capital  
84 projects reserve fund for the obligations.

85 11. Provisions of other law to the contrary notwithstanding, payments  
86 made from any source by a school district, after the latter of July 1, 1994, or July  
87 12, 1994, that result in the transfer of the title of real property to the school  
88 district, other than those payments made from the capital projects fund, shall be  
89 deducted as an adjustment to the funds payable to the district pursuant to section

90 163.031, RSMo, beginning in the year following the transfer of title to the district,  
91 as determined by the department of elementary and secondary education. No  
92 district with modular buildings leased in fiscal year 2004, with the lease payments  
93 made from the incidental fund and that initiates the transfer of title to the district  
94 after fiscal year 2007, shall have any adjustment to the funds payable to the  
95 district under section 163.031, RSMo, as a result of the transfer of title.

96 **12. Notwithstanding provisions of this section to the contrary, the**  
97 **board of education of any school district may enter into agreements**  
98 **with the county in which the school district is located, or with a city,**  
99 **town, or village wholly or partially located within the boundaries of the**  
100 **school district, in order to provide for the acquisition, construction,**  
101 **improvement, extension, repair, remodeling, renovation, and financing**  
102 **of sites, buildings, facilities, furnishings, and equipment for the use of**  
103 **the school district for educational purposes. Such an agreement may**  
104 **provide for the present or future acquisition of an ownership interest**  
105 **in such facilities by the school district, by lease, lease purchase**  
106 **agreement, option to purchase agreement, or similar provisions, and**  
107 **may provide for a joint venture between the school district and other**  
108 **entity or entities that are parties to such an agreement providing for the**  
109 **sharing of the costs of acquisition, construction, repair, maintenance,**  
110 **and operation of such facilities. The school district may wholly own**  
111 **such facilities, or may acquire a partial ownership interest along with**  
112 **the county, city, town, or village with which the agreement was**  
113 **executed.**

210.1050. 1. For purposes of this section, for pupils in foster care  
2 or children placed for treatment in a licensed residential care facility  
3 by the department of social services, "full school day" shall mean six  
4 hours in which the child is under the guidance and direction of teachers  
5 in the educational process.

6 2. Each pupil in foster care or child placed for treatment in a  
7 licensed residential care facility by the department of social services  
8 shall be entitled to a full school day of education unless the school  
9 district determines that fewer hours are warranted.

10 3. The commissioner of education, or his or her designee, shall be  
11 an ombudsman to assist the family support team and the school district  
12 as they work together to meet the needs of children placed for treatment  
13 in a licensed residential care facility by the department of social

14 **services. The ombudsman shall have the final decision over**  
15 **discrepancies regarding school day length. A full school day of**  
16 **education shall be provided pending the ombudsman's final decision.**

17 **4. Nothing in this section shall be construed to infringe upon the**  
18 **rights or due process provisions of the federal Individuals with**  
19 **Disabilities Education Act. The provisions of the Individuals with**  
20 **Disabilities Education Act shall apply and control in decisions regarding**  
21 **school day. Nothing in this section shall be construed to deny any child**  
22 **domiciled in Missouri appropriate and necessary free public education**  
23 **services.**

313.822. A tax is imposed on the adjusted gross receipts received from  
2 gambling games authorized pursuant to sections 313.800 to 313.850 at the rate of  
3 twenty-one percent. The taxes imposed by this section shall be returned to the  
4 commission in accordance with the commission's rules and regulations who shall  
5 transfer such taxes to the director of revenue. All checks and drafts remitted for  
6 payment of these taxes and fees shall be made payable to the director of revenue.  
7 If the commission is not satisfied with the return or payment made by any  
8 licensee, it is hereby authorized and empowered to make an assessment of the  
9 amount due based upon any information within its possession or that shall come  
10 into its possession. Any licensee against whom an assessment is made by the  
11 commission may petition for a reassessment. The request for reassessment shall  
12 be made within twenty days from the date the assessment was mailed or delivered  
13 to the licensee, whichever is earlier. Whereupon the commission shall give notice  
14 of a hearing for reassessment and fix the date upon which the hearing shall be  
15 held. The assessment shall become final if a request for reassessment is not  
16 received by the commission within the twenty days. Except as provided in this  
17 section, on and after April 29, 1993, all functions incident to the administration,  
18 collection, enforcement, and operation of the tax imposed by sections 144.010 to  
19 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

20 (1) Each excursion gambling boat shall designate a city or county as its  
21 home dock. The home dock city or county may enter into agreements with other  
22 cities or counties authorized pursuant to subsection 10 of section 313.812 to share  
23 revenue obtained pursuant to this section. The home dock city or county shall  
24 receive ten percent of the adjusted gross receipts tax collections, as levied  
25 pursuant to this section, for use in providing services necessary for the safety of  
26 the public visiting an excursion gambling boat. Such home dock city or county

27 shall annually submit to the commission a shared revenue agreement with any  
28 other city or county. All moneys owed the home dock city or county shall be  
29 deposited and distributed to such city or county in accordance with rules and  
30 regulations of the commission. All revenues provided for in this section to be  
31 transferred to the governing body of any city not within a county and any city with  
32 a population of over three hundred fifty thousand inhabitants shall not be  
33 considered state funds and shall be deposited in such city's general revenue fund  
34 to be expended as provided for in this section.

35 (2) The remaining amount of the adjusted gross receipts tax shall be  
36 deposited in the state treasury to the credit of the "Gaming Proceeds for Education  
37 Fund" which is hereby created in the state treasury. Moneys deposited in this  
38 fund shall be kept separate from the general revenue fund as well as any other  
39 funds or accounts in the state treasury, shall be used solely for education pursuant  
40 to the Missouri Constitution and shall be considered the proceeds of excursion boat  
41 gambling and state funds pursuant to article IV, section 15 of the Missouri  
42 Constitution. All interest received on the gaming proceeds for education fund  
43 shall be credited to the gaming proceeds for education fund. Appropriation of the  
44 moneys deposited into the gaming proceeds for education fund shall be pursuant  
45 to state law.

46 (3) The state auditor shall perform an annual audit of the gaming proceeds  
47 for education fund [and the schools first elementary and secondary education  
48 improvement fund], which shall include the evaluation of whether appropriations  
49 for elementary and secondary education have increased and are being used as  
50 intended [by this act]. The state auditor shall make copies of each audit available  
51 to the public and to the general assembly.

**Section 1. During the legislative interim between the first regular  
2 session of the ninety-fifth general assembly through December 31, 2009,  
3 the joint committee on education shall study the issue of governance in  
4 urban school districts containing most or all of a home rule city with  
5 more than four hundred thousand inhabitants and located in more than  
6 one county. In studying this issue, the joint committee may solicit input  
7 and information necessary to fulfill its obligation, including but not  
8 limited to soliciting input and information from any state department,  
9 state agency, school district, political subdivision of the state, teachers,  
10 administrators, school board members, all interested parties concerned  
11 about governance within the school districts identified in this section,**

12 **and the general public. The joint committee shall prepare a final report,**  
13 **together with its recommendations for any legislative action deemed**  
14 **necessary for submission to the general assembly by December 31, 2009.**

[160.730. 1. Not less than twice each calendar year, the  
2 commissioner of higher education, the chair of the coordinating  
3 board for higher education, the commissioner of education, the  
4 president of the state board of education, and the director of the  
5 department of economic development shall meet and discuss ways  
6 in which their respective departments may collaborate to achieve  
7 the policy goals as outlined in this section.

8 2. In order to create a more efficient and effective education  
9 system that more adequately prepares students for the challenges  
10 of entering the workforce, the persons and agencies outlined in  
11 subsection 1 of this section shall be responsible for accomplishing  
12 the following goals:

13 (1) Studying the potential for a state-coordinated  
14 economic/educational policy that addresses all levels of education;

15 (2) Determining where obstacles make state support of  
16 programs that cross institutional or jurisdictional boundaries  
17 difficult and suggesting remedies;

18 (3) Creating programs that:

19 (a) Intervene at known critical transition points, such as  
20 middle school to high school and the freshman year of college to  
21 help assure student success at the next level;

22 (b) Foster higher education faculty spending time in  
23 elementary and secondary classrooms and private workplaces, and  
24 elementary and secondary faculty spending time in general  
25 education-level higher education courses and private workplaces,  
26 with particular emphasis on secondary school faculty working with  
27 general education higher education faculty;

28 (c) Allow education stakeholders to collaborate with  
29 members of business and industry to foster policy alignment,  
30 professional interaction, and information systems across sectors;

31 (d) Regularly provide feedback to schools, colleges, and  
32 employers concerning the number of students requiring  
33 postsecondary remediation, whether in educational institutions or



34 the workplace;

35 (4) Exploring ways to better align academic content,  
36 particularly between secondary school and first-year courses at  
37 public colleges and universities, which may include alignment  
38 between:

39 (a) Elementary and secondary assessments and public  
40 college and university admission and placement standards; and

41 (b) Articulation agreements of programs across sectors and  
42 educational levels.

43 3. No later than the first Wednesday after the first Monday  
44 of January each year, the persons outlined in subsection 1 of this  
45 section shall report jointly to the general assembly and to the  
46 governor the actions taken by their agencies and their  
47 recommendations for policy initiatives and legislative alterations to  
48 achieve the policy goals as outlined in this section.]

2 [313.775. This act shall be known and may be cited as "The  
3 Schools First Elementary and Secondary Education Funding  
Initiative".]

2 [313.778. There is hereby created in the state treasury the  
3 "Schools First Elementary and Secondary Education Improvement  
4 Fund", which shall consist of taxes on excursion gambling boat  
5 proceeds as provided in subsection 2 of section 160.534, RSMo, to be  
6 used solely for the purpose of increasing funding for elementary and  
7 secondary education. The schools first elementary and secondary  
8 education improvement fund shall be state revenues collected from  
9 gaming activities for purposes of article III, section 39(d) of the  
10 constitution. Moneys in the schools first elementary and secondary  
11 education improvement fund shall be kept separate from the general  
12 revenue fund as well as any other funds or accounts in the state  
13 treasury. The state treasurer shall be custodian of the fund and  
14 may approve disbursements from the fund in accordance with  
15 sections 30.170 and 30.180, RSMo. Notwithstanding the provisions  
16 of section 33.080, RSMo, to the contrary, any moneys remaining in  
17 the fund at the end of the biennium shall not revert to the credit of  
18 the general revenue fund. The state treasurer shall invest moneys  
in the fund in the same manner as other funds are invested. Any

19 interest and moneys earned on such investments shall be credited  
20 to the fund.]

Section B. The repeal of section 313.778 of section A of this act shall  
2 become effective on July 1, 2010.

Section C. Because of the need to ensure adequate funding for our public  
2 schools, the repeal of section 313.775 and the repeal and reenactment of sections  
3 115.121, 160.534, 163.011, 163.031, 163.043, and 313.822 of section A of this act  
4 are deemed necessary for the immediate preservation of the public health, welfare,  
5 peace and safety, and is hereby declared to be an emergency act within the  
6 meaning of the constitution, and the repeal of section 313.775 and the repeal and  
7 reenactment of sections 115.121, 160.534, 163.011, 163.031, 163.043, and 313.822  
8 of section A of this act shall be in full force and effect on July 1, 2009, or upon  
9 their passage and approval, whichever occurs later.

✓

Bill

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